

## *Agriculture, Conservation and Forestry*

### **PUBLIC 8      An Act to Establish the Dairy Industry Fund EMERGENCY**

**LD 1371**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON KILKELLY	OTP-AM	H-39

Public Law 2001, chapter 8 establishes the Dairy Industry Fund under the auspices of the Maine Milk Commission, within the Department of Agriculture, Food and Rural Resources to be distributed, according to allocations made by the Legislature, to a statewide association representing dairy farmers. A fee of 1¢ per hundredweight is deducted from the amount paid to a Maine milk producer and deposited into the fund by the milk dealer.

Public Law 2001, chapter 8 was enacted as an emergency measure effective March 28, 2001.

### **PUBLIC 13      An Act to Increase the Fine for Allowing a Dog to Roam at      LD 38 Large**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P SCHNEIDER	OTP-AM	S-3

Public Law 2001, chapter 13 increases fines for 2 or more violations of the laws regarding uncontrolled dogs. The fine for a first violation of allowing a dog to roam at large is not less than \$50 nor more than \$250. Chapter 13 provides a fine of not less than \$100 nor more than \$500 for a second or subsequent violation.

### **PUBLIC 15      An Act to Amend the Animal Trespass Laws**

**LD 139**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCGLOCKLIN	OTP	

Public Law 2001, chapter 15 exempts cats from the provisions of the animal trespass laws.

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**PUBLIC 24      An Act to Facilitate State Park Campsite Reservations      LD 394**  
**through the Internet**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	OTP	
KNEELAND		

Public Law 2001, chapter 24 allows a portion of the reservation fee for state park campsite reservations to be paid directly to a provider of Internet reservation services.

**PUBLIC 62      An Act to Protect Animals and Ensure the Public Has      LD 265**  
**Notice Regarding Veterinary Fees and Care**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN	OTP-AM	H-46

Public Law 2001, chapter 62 requires a person who maintains a facility where veterinary medicine is practiced and animals are kept overnight to provide written notice of staffing policies to a person leaving an animal at the facility.

**PUBLIC 63      An Act to Amend the Harness Racing Laws to Provide for      LD 912**  
**EMERGENCY Staggered Terms**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND	OTP-AM	S-19
CHIZMAR		

Public Law 2001, chapter 63 staggers the terms of the members of the State Harness Racing Commission and the Harness Racing Promotional Board. It removes the stipulation that the chair must be without an industry affiliation.

Public Law 2001, chapter 63 was enacted as an emergency measure effective April 12, 2001.

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### **PUBLIC 64      An Act Regarding Variances to the Implementation Dates      LD 913 EMERGENCY   of the Nutrient Management Law**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND GOOLEY	OTP-AM	S-20

Public Law 2001, chapter 64 allows the Commissioner of Agriculture, Food and Rural Resources to grant a variances from the January 1, 2001 deadline for preparation and certification of a nutrient management plan when technical assistance or resources were not available. It also provides a reclassification within the Office of Agricultural, Natural and Rural Resources.

Public Law 2001, chapter 64 was enacted as an emergency measure with a retroactive effective date of January 1, 2001.

### **PUBLIC 91      An Act to Amend the Laws Pertaining to the Control of      LD 906 Disease in Poultry**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J WESTON	OTP-AM	S-49

Public Law 2001, chapter 91 requires the Commissioner of Agriculture, Food and Rural Resources to develop a Salmonella enteritidis risk reduction and surveillance program for poultry and to adopt major substantive rules to implement the program.

### **PUBLIC 105    An Act to Amend the Laws Governing Building Permits in      LD 276 the Unorganized Territories**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK MICHAUD MH	OTP-AM	H-185

Public Law 2001, chapter 105 allows the Maine Land Use Regulation Commission to grant a variance from strict compliance with rules or standards when compliance would pose a hardship due to the needs of a person with a disability or any other unusual circumstance not anticipated when the rules and standards were adopted.

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### **PUBLIC 125    An Act to Streamline the Administration of the Potato EMERGENCY   Marketing Improvement Fund**

**LD 1505**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND LUNDEEN	OTP-AM	H-152   MAYO S-50

Public Law 2001, chapter 125 streamlines the administration of the Potato Marketing Improvement Fund. It establishes the Potato Marketing Improvement Fund Operating Account and specifies that the Commissioner of Agriculture, Food and Rural Resources administer the Potato Marketing Improvement Fund.

Public Law 2001, chapter 125 was enacted as an emergency measure effective May 9, 2001.

### **PUBLIC 129    An Act to Require That Wolf Hybrids be Permanently Identified and to Establish Penalties for Releasing Wolf Hybrids from Captivity**

**LD 739**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP KILKELLY	OTP-AM	H-150

Public Law 2001, chapter 129 makes it a civil violation to abandon a wolf hybrid. It requires the permanent identification of wolf hybrids and directs the Department of Agriculture, Food and Rural Resources to adopt rules to implement this provision. It requires breeders of wolf hybrids to register with the department, to have all offspring of wolf hybrids permanently identified prior to transfer of ownership and to notify the department when ownership is transferred.

### **PUBLIC 152    An Act to Enhance Participation in the Agricultural EMERGENCY   Marketing Loan Fund**

**LD 882**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND MICHAUD MH	OTP-AM	S-70

Public Law 2001, chapter 152 provides for all loans under the Agricultural Marketing Loan Fund to have a 5% annual interest rate. It requires the Commissioner of Agriculture, Food and Rural Resources to submit an annual report by March 1<sup>st</sup> to the joint standing committee of the Legislature having jurisdiction over agricultural matters. The report must include a

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summary of loans made during the previous calendar year and categorize outstanding loans by the type of agricultural enterprises receiving the loans.

Public Law 2001, chapter 152 was enacted as an emergency measure effective May 14, 2001.

### **PUBLIC 164      An Act to Amend the Laws Governing the Maine Potato Board      LD 996**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND BELANGER	OTP-AM	S-78

Public Law 2001, chapter 164 amends the laws governing the Maine Potato Board. It reduces the number of geographic districts and assemblies from 7 to 5 and designates the towns and townships comprising each district. The geographic districts and assemblies provide an organizational structure for participation of potato growers, dealers and processors in the functions of the potato board. Chapter 164 requires the board to appoint 2 members to the executive councils.

### **PUBLIC 168      An Act to Implement the Maine Agricultural Internship and Training Program      LD 792**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY MCKEE	OTP-AM	S-79

Public Law 2001, chapter 168 requires the Commissioner of Agriculture, Food and Rural Resources to designate a person within the Department of Agriculture, Food and Rural Resources to oversee the Maine Agricultural Internship and Training Program. It requires the Commissioner of Agriculture, Food and Rural Resources to report biennially to the joint standing committee of the Legislature having jurisdiction over agricultural matters on activities relating to the Maine Agricultural Internship and Training Program. It requires a first report by December 1, 2001 including an update on the implementation of a program to identify individuals interested in farm apprenticeships or in purchasing a farm and to establish a network of information to facilitate farm transfers.

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### **PUBLIC 175      An Act to Change the Dates for Licensing of Agricultural Fairs and Exhibitions      LD 995**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE C CHICK	OTP-AM	S-99

Public Law 2001, chapter 175 changes the date for submission of applications for a license for an agricultural fair or agricultural exhibition. An applicant for a fair license must apply for a license by March 31st of the year prior to the first year the license is in effect. The Commissioner of Agriculture, Food and Rural Resources is required to announce the assignment of fair dates by May 15th of the year prior to the first year the license is in effect. Licenses are issued for a 3-year period. Chapter 175 has an effective date of July 1, 2003.

### **PUBLIC 220      An Act to Make an Owner Responsible for Injuries Caused by a Dog      LD 661**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON MCGOWAN	OTP-AM	S-98

Public Law 2001, chapter 220 provides for a victim to recover full damages for physical injuries related to an attack by a dog when the court determines that the victim's fault is less than the fault of the dog's owner.

Chapter 220 makes it a civil violation for a person to own or keep a dog that attacks a service dog and requires the court to order restitution to the owner of the service dog for veterinary bills and any necessary retraining or replacement costs of the dog.

### **PUBLIC 299      An Act to Amend the Maine Arborist Licensing Law and Clarify the Expiration Date for Nursery Licenses      LD 1191**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURPHY T KILKELLY	OTP-AM	H-458

Public Law 2001, chapter 299 changes the penalty for violating the arborist licensing laws from a criminal to a civil violation and establishes a fine of up to \$500 per day for each day the statute is violated. It allows actions to be brought against individuals who violate this statute in either District Court or Superior Court. It eliminates the exemption to the licensing

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requirement for tree removal in municipalities having populations under 2,500 people. It allows the State to examine applicants for restricted licenses in a broader category of subject areas. It establishes the Maine Arborist Advisory Council to advise the Department of Agriculture, Food and Rural Resources on the operation and enforcement of the arborist licensing laws.

### **PUBLIC 308      An Act to Allow the Purchase of Rabies Vaccine by      LD 1426 Livestock Farmers**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM	H-450

Public Law 2001, chapter 308 allows a person who owns cattle, sheep, goats or deer to purchase rabies vaccine directly from a licensed veterinarian. A veterinarian who sells rabies vaccine to a livestock owner is not liable for claims arising from the administration of the vaccine. An animal vaccinated against rabies by a person who is not a licensed veterinarian or under the supervision of a licensed veterinarian may not be certified as vaccinated against rabies. It also includes livestock owners among those authorized to possess hypodermic apparatuses.

### **PUBLIC 312      An Act to Correct an Error in the Bureau of Parks and      LD 488 Lands Statute**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND	OTP-AM      MAJ	S-182
CARR	ONTP      MIN	

Public Law 2001, chapter 312 requires relocation of any privately owned road within the Allagash Wilderness Waterway ordered discontinued by the Bureau of Public Lands within the Department of Conservation at the bureau's expense. It clarifies that the Bureau of Parks and Lands is not required to relocate a road when the bureau is directing that the road be discontinued and the landowner does not request relocation.

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### **PUBLIC 330      An Act to Protect Against Contamination of Crops and Wild Plant Populations by Genetically Engineered Plants**

**LD 1266**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE NUTTING J	OTP-AM	H-449

Public Law 2001, chapter 330 requires a manufacturer of genetically engineered plants, planting stock or seeds to provide growers with instructions on how to plant, cultivate and harvest the product to avoid contaminating plants of nongenetically engineered origin. It requires the manufacturer or seed dealer to keep records including the names and addresses of persons growing its genetically engineered products in Maine for at least 2 years after the date of sale. Failure to comply with these provisions is a civil violation with a fine of up to \$1,500. The Commissioner of Agriculture, Food and Rural Resources may suspend or revoke a seed labeler license if the license holder fails to comply with the provisions regarding instructions and record keeping. A manufacturer or seed dealer is not required to keep records on seed packets of less than one pound sold at the retail level.

### **PUBLIC 334      An Act to Prohibit the Misbranding of Genetically Engineered Food**

**LD 1733**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY GOOLEY	OTP-AM      MAJ ONTP      MIN	S-201

Public Law 2001, chapter 334 permits the use of a label on any food, food product or food ingredient that indicates that the product is free of or made without recombinant deoxyribonucleic acid technology, genetic engineering or bioengineering, in accordance with routine, technical rules adopted by the Department of Agriculture, Food and Rural Resources. It allows a food 1% or less of which consists of genetically engineered ingredients to be labeled as free of genetically engineered ingredients.



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### **PUBLIC 339     An Act to Promote Outcome-based Forest Policy**

**LD 1690**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM     MAJ	S-222
	OTP-AM     MIN	

Public Law 2001, chapter 339 directs the Director of the Bureau of Forestry, in cooperation with public and private landowners, to create experimental areas where the principles and applicability of outcome-based forest policy can be applied and tested. Chapter 339 defines “outcome-based forest policy” and requires the Governor to appoint a panel of technical experts to work with the director in implementing, monitoring and assessing tests of outcome-based forestry principles. It requires the Director of the Bureau of Forestry to report to the Legislature by December 31, 2005 on the feasibility of implementing outcome-based forestry as a basis for forest policy. The provisions regarding outcome-based forestry sunset July 1, 2006.

### **PUBLIC 355     An Act to Ensure that the State Board of Pesticides Control has Sufficient Resources to Provide Accurate Information About the Use of Pesticides in the State**

**LD 1540**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	S-234
PINEAU		

Public Law 2001, chapter 355 requires a report be submitted to the Legislature by April 1, 2002 with information on pesticides sales and use. It directs the State Board of Pesticides Control to develop a measure to estimate homeowner use of pesticides. It makes a one-time allocation from Other Special Revenue funds for the State Board of Pesticides Control for costs associated with collecting, analyzing and reporting on pesticides sales and use in Maine.

### **PUBLIC 363     An Act to Authorize Animal Shelters to Accept and Provide for Stray Cats**

**LD 1435**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOUCHER	OTP-AM	H-603

Public Law 2001, chapter 363 establishes procedures for an animal shelter to follow when the animal shelter accepts a stray cat.

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### **PUBLIC 391    An Act to Permit the Salvage of Pulpwood EMERGENCY**

**LD 1811**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH CLARK	OTP-AM	S-307

Public Law 2001, chapter 391 allows companies previously chartered by the Legislature to store wood over publicly owned submerged lands to salvage sunken pulpwood for use in a company-owned facility. Compensation to the State for the value of the pulpwood is waived as long as the salvage operation results in substantial improvements to public trust rights.

Public Law 2001, chapter 391 was enacted as an emergency measure effective June 12, 2001.

### **PUBLIC 399    An Act to Clarify, Enhance and Strengthen the Animal EMERGENCY    Welfare Laws of Maine**

**LD 1695**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON NUTTING J	OTP-AM	H-613

Public Law 2001, chapter 399 establishes a new Animal Welfare Advisory Council to replace the current Animal Welfare Advisory Committee. It requires the annual report of the Commissioner of Agriculture, Food and Rural Resources to include a summary of the final disposition of cases of animal cruelty investigated by the Department of Agriculture, Food and Rural Resources. It clarifies that the procedure for enforcing the dangerous dog statute applies to a dog that threatens assault. It requires the Bureau of Identification within the Department of Public Safety to establish a category for the reporting of cruelty to animals. It requires the commissioner and the Animal Welfare Advisory Council to report to the Joint Standing Committee on Agriculture, Conservation and Forestry before January 1, 2002 with recommendations for funding and revisions to the animal welfare laws and the legislation necessary to implement those recommendations. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to report out legislation to make revisions to the animal welfare laws during the Second Session of the 120<sup>th</sup> Legislature. Chapter 399 was enacted as an emergency measure effective June 13, 2001.

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**PUBLIC 402      An Act to Amend Certain Laws Pertaining to the Maine Land Use Regulation Commission      LD 1203**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND CLARK	OTP-AM	S-181 S-301    MARTIN

Public Law 2001, chapter 402 amends the definition of campsite under the Maine Land use Regulation Commission laws. It allows campsite numbers, occupancy rates and occupancy periods that are consistent with a landowner's recreational policy. The Maine Land Use Regulation Commission may require a campsite permit if the commission determines that the landowner's recreational policy is inconsistent with the commission's land use plan. Chapter 402 specifically includes the construction of buildings to store equipment and materials used for maintaining roads used for agricultural and commercial forest products purposes in the list of activities allowed without restriction in a management district and clarifies that the Maine Land Use Regulation Commission may not require a permit for these activities.

**PUBLIC 422      An Act to Amend the Animal Welfare Laws      LD 1170**  
**EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J GOOLEY	OTP-AM	S-286

Public Law 2001, chapter 422 increases the registration fee for commercial feeds and pet food. It allows the Commissioner of Agriculture, Food and Rural Resources to authorize veterinarians to serve as dog licensing agents and to adopt rules to implement this option for issuing licenses and collecting license fees. It grants subpoena authority to the Department of Agriculture, Food and Rural Resources to strengthen the enforcement capabilities of the department. It allows law enforcement officers, the commissioner or the commissioner's designee, humane agents, animal control officers and the state veterinarian to exchange information relating to cases of alleged animal cruelty. It provides immunity from civil and criminal liability for a veterinarian reporting a case of alleged animal cruelty.

Public Law 2001, chapter 422 was enacted as an emergency measure effective June 18, 2001.

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### **PUBLIC 425     An Act to Increase the Penalties for Animal Cruelty**

**LD 1679**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL DAGGETT	OTP-AM	H-423

Public Law 2001, chapter 425 increases the penalties for civil and criminal violations of the animal cruelty laws. It creates a new category of aggravated cruelty to animals and makes it a Class C crime. It includes killing or torturing an animal to frighten or intimidate a person or forcing a person to injure or kill an animal in the list of behaviors that constitute cruelty to animals. It enacts additional conditions under which a person convicted of criminal cruelty to animals may be sentenced for a Class C crime.

### **PUBLIC 431     An Act to Refine the Subdivision and Redistricting Authority of the Maine Land Use Regulation Commission**

**LD 1198**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY MCKEE	ONTP     MAJ OTP-AM     MIN	H-704     MCKEE S-253

Public Law and Special Law 2001, chapter 431 makes revisions to the Maine Land Use Regulation Commission laws pertaining to subdivisions. It specifies the eligible recipients of a gift lot, places a requirement that a lot must be held for 5 years immediately prior to the creation of any gift lot, and requires that a recipient of a gift lot hold that lot for at least 5 years for it to remain exempt from subdivision review. It restricts the 40-acre exemption from subdivision review to lots used for forestry, agriculture or conservation and with no portion of the lot within defined shore land zones. It provides a new exemption for lots transferred to government entities or nonprofit conservation organizations for conservation of natural resources or for public recreation or other public purposes. It retains the requirement for filing of a land division plan and where applicable requires the plan to state that the exempt lots may be used only for forest management, agricultural management or conservation of natural resources.

It exempts from the subdivision permit requirement lots in unauthorized subdivisions if the lots have been in existence for at least 20 years and the Commission has failed to file notice at the Registry of Deeds that the lots constitute an illegal subdivision. This Act does not require a person to obtain a permit for a land division that occurred prior to the effective date of this Act if the division did not require a permit prior to this Act.

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### **PUBLIC 433     An Act to Provide Dairy Farmer Equity**

**LD 1826**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND SHERMAN		

Public Law 2001, chapter 433, which was enacted without being referred to committee, provides an automatic trigger to return Maine Milk Pool payments directly to eligible Maine dairy farmers whenever in any given month there is only one Maine market dealer subject to the Maine Milk Pool collection and the milk sold or distributed by that dealer during that month does not exceed 1,000,000 pounds.

### **PUBLIC 466     An Act to Implement the Recommendations of the Committee to Study Access to Private and Public Lands in Maine**

**LD 1810**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-A	H-658 S-387

Public Law 2001, chapter 466 implements certain recommendations of the Committee to Study Access to Private and Public Lands in Maine. It requires the Land for Maine's Future Board to include in its biennial report to the Legislature a description of access to acquisitions made during the report period. It directs the Land for Maine's Future Board, the Department of Conservation, Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife to consider public vehicular access to land proposed for acquisition and to provide justification for land or interest in land acquired without public vehicular access.

It allows an owner or operator of a gravel pit or excavation site to receive a variance from reclamation standards required by the Department of Environmental Protection when that owner or operator, working with the Off-road Recreational Vehicle Division within the Department of Conservation, designs or develops a satisfactory plan for a recreational management area. When a variance is granted to allow a gravel pit to be reclaimed as a pond of 30 acres or greater, the owner must demonstrate that public access to the pond is ensured.

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**P & S 42      An Act to Provide Additional Resources to the Oxford      LD 1103**  
**County Fair Society**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR	OTP-A-MAJ	H-56
BENNETT	OWTP-MIN	

Private and Special Law 2001, chapter 42 appropriates \$25,000 as one time funding to the Oxford County Fair Society to offset costs required to develop the fairground infrastructure.

**RESOLVE 51      Resolve, Directing Responsible State Agencies to Secure      LD 1164**  
**Public Access to Class 2 Waters**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-248
DUNLAP		

Resolve 2001, chapter 51 directs the Department of Conservation to coordinate efforts of responsible state agencies to secure public access to Class 2 lakes in the State, as opportunities arise.

**RESOLVE 52      Resolve, Authorizing Certain Land Transactions by the      LD 1792**  
**Bureau of Parks and Lands**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-244
DESMOND		

Resolve 2001, chapter 52 authorizes the conveyance of certain property by the Director of the Bureau of Parks and Lands within the Department of Conservation in exchange for certain property owned by Allagash Timberlands LP, as successor to Irving Pulp and Paper. This transfer corrects an imbalance in acres traded previously between Irving Pulp and Paper and the State as part of a major effort to consolidate land within the Public Reserved Lands System.

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**RESOLVE 53      Resolve, Authorizing a Land Transaction by the Bureau of Parks and Lands      LD 1791**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOSTER	OTP-AM	H-582
TURNER		H-637 MCKEE

Resolve 2001, chapter 53 authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to convey a 44-acre parcel of land in the Town of New Gloucester and the Town of Pownal to October Corporation and to release deed restrictions on a 54-acre parcel of land previously conveyed to October Corporation in Resolve 1999, chapter 112.

**PASSED      JOINT STUDY ORDER – Joint Study Committee to Study Access to Private and Public Lands in Maine      HP 1387**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>

Joint Order, HP1387 reauthorizes the Committee to Study Access to Private and Public Lands in Maine. The 5 original legislative members continue to serve on the committee. The committee is charged with determining the status of public access to flowed lakes and reviewing the division and sale of land by timber companies and the acquisition of land surrounding the State's great ponds by private individuals. The committee is to consider policy options to promote continued public access to public and private lands. In addition, the committee is directed to work with the Department of Inland Fisheries and Wildlife and the Maine Forest Service to develop a map illustrating significant areas where public access is restricted, prohibited or permitted with the payment of a fee. The committee is required to submit its report to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 5, 2001 and is authorized to introduce legislation relating to its report by that date.

**PASSED      JOINT STUDY ORDER – Joint Study Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands      HP 1391**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>

Joint Order HP 1391 as amended by HP 1393 establishes the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands. The committee consists of 5 legislators, the Commissioner of Conservation or the commissioner's designee,

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and a representative of the Maine Land Use Regulation Commission. The committee is directed to study the economic and societal impact of the termination of camp lot lease arrangements and develop a plan to preserve the traditional camp lot lease arrangements and public enjoyment of state lands. The committee is required to submit a report and plan along with any necessary implementing legislation to the Second Regular Session of the 120<sup>th</sup> Legislature by November 1, 2001.



## *Appropriations & Financial Affairs*

**PUBLIC 1      An Act to Make Additional Appropriations and  
EMERGENCY      Allocations for the Expenditures of State Government  
                         and Change Certain Provisions of State Law Necessary  
                         to the Proper Operations of State Government for the  
                         Fiscal Year Ending June 30, 2001**

**LD 262**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY R GOLDTHWAIT	OTP-AM	H-7

Public Law 2001, chapter 1 is the “Emergency Budget Bill” for fiscal year 2000-01. It contains the following provisions.

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
A	A-1	Supplemental General Fund Appropriations
	A-2	Supplemental Federal Expenditures Fund Allocations
	A-3	Supplemental Other Special Revenue Funds Allocations
	A-4	Supplemental Federal Block Grant Fund Allocations
B	B-1	General Fund Appropriations for Reclassifications
	B-2	Highway Fund Allocations for Reclassifications
	B-3	Federal Expenditures Fund Allocations for Reclassifications
	B-4	Other Special Revenue funds Allocations for Reclassifications
	B-5	Federal Block Grant Fund Allocations for Reclassifications
C	C-1	Authorizes a transfer from the Salary Plan to the Dept. of Corrections for approved upgrades of employees in adult corrections
	C-2	Authorizes tax revenue maximization initiatives
	C-3	Requires transfer of an amount not to exceed \$500,000 from the General Fund unappropriated surplus to the Highway Fund by June 30, 2001
	C-4	Authorizes the establishment of 8 limited-period positions to continue work on the statewide E-911 project
D	D-1	Authorizes the Department of Corrections to transfer funds by financial order to pay teachers at Northern Maine Juvenile Facility
E	E-1	Provides an extension for the repayment of a working capital advance by the Department of Defense, Veterans and Emergency Management Provides an extension to the transfer of revenue from the Veterans'
	E-2	Services program, Federal Expenditures Fund related to expansion of the Veterans' Memorial Cemetery

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| F | F-1 | Authorizes a transfer of Federal Expenditure Funds from the Bureau of Medical Services to the General Fund   |
|   | F-2 | Authorizes a transfer from earned federal matching funds from Medicaid eligible expenditures to the General Fund   |
| G | G-1 | Authorizes the transfer of funds from the General Fund unappropriated surplus to the Carrying Balances program of the Dept. of Inland Fisheries and Wildlife                           |
| H | H-1 | Authorizes the Department of Mental Health, Mental Retardation and Substance Abuse Services to seek reimbursement for Medicaid expenditures  |
|   | H-2 | Authorizes the Department of Mental Health, Mental Retardation and Substance Abuse Services to transfer funds by financial order for overtime expenses.                                |
|   | H-3 | Requires Department of Mental Health, Mental Retardation and Substance Abuse to report on all transfers pursuant to section H-2.   |
| I | I-1 | Requires any unencumbered balance in the Administration - Aeronautics program to be carried forward and a Department of Transportation report  |
|   | I-2 | Requires any unencumbered balance in the Railroad Assistance Program to be carried forward and a Department of Transportation report   |
| J | J-1 | Permits the unexpended balance of any appropriation or allocation in any account administered by the Legislature to be transferred to be used to support activities of the Legislature |

Public Law 2001, chapter 1 was enacted as an emergency measure and took effect February 1, 2001.

### **PUBLIC 213     An Act to Make Improvements in the Budget Process**

**LD 1233**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN GOLDTHWAIT	OTP-AM	H-373

Public Law 2001, chapter 213 allows federal block grant funds to be used in the same manner as the Federal Expenditures Fund and repeals certain restrictions on federal block grant expenditures. The bill also changes the dollar threshold below which the Governor may delegate to the State Budget Officer authority to adjust allotments by financial order for a department or agency account from \$500 to \$45,000.

## *Appropriations and Financial Affairs*

### **PUBLIC 219      An Act to Clarify the Use of Funds for Reclassifications      LD 1536 and Temporary Positions**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH BERRY R	OTP-AM	S-151

Public Law 2001, chapter 219 restricts the use of the General Fund Salary Plan and Highway Fund Salary Plan balances so that they could not be used for purposes other than to meet the fixed obligation for the unfunded actuarial liability in each fiscal year.

### **PUBLIC 358      An Act Making Unified Appropriations and Allocations      LD 300 EMERGENCY for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2001, June 30, 2002 and June 30, 2003**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY R GOLDTHWAIT	OTP-AM	H-55 S-256 MICHAUD MH S-260 SMALL

Public Law 2001, chapter 358 is the "Part 1 Budget Bill for fiscal years 2001-02 and 2002-03." It contains the following provisions.

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
A	A-1: A-24	Budget Preamble
	A-25	"Current Services" Appropriations & Allocations
	A-26	Technical Changes to "Current Services" Appropriations & Allocations
B	B-1	Adjustments to "Current Services" Appropriations & Allocations
C	C-1	Authorizes the Bureau of Revenue Services to implement tax revenue compliance initiatives under current tax law

## *Appropriations and Financial Affairs*

D	D-1	Eliminates contingent effective date for the Quality Child Care Tax Credit and eliminates the transfer from the Fund for a Healthy Maine that offsets the General Fund revenue loss.
E	E-1	Eliminates the transfer of funds from the Capital Construction/Repairs/Improvements-Administration program to the Reserve Fund for State House Preservation and Maintenance
F	F-1:F-4	Establishes voluntary employee incentive programs
G	G-1:G-3	Authorizes transfers of \$17,278,982 in fiscal year 2001-02 and \$18,234,610 in fiscal year 2002-03 from the Maine Rainy Day Fund to the General Fund and allows the General Fund to retain the interest earnings on the balances in the Maine Rainy Day Fund during fiscal years 2001-02 and 2002-03
	G-3	Increases the amount of the transfers to the Maine Rainy Day Fund at the end of fiscal year 2001-02 and fiscal year 2002-03 from 1/2 of excess General Fund revenue to 3/4 of excess General Fund revenue and prohibits transfers of excess revenue to the Retirement Allowance Fund pursuant to Title 5, §1517
H	H-1:H-3	Changes BETR reimbursement to one payment per year
I	I-1	Permits changes to several dedicated funds and to federal block grant allocations to cover any approved salary plan adjustments and approved reclassifications and range changes
	I-2; I-5:I-6	Restricts use of allocations from the State Alcoholic Beverage Fund and the State Lottery Fund
	I-3:I-4	Establishes guidelines for carrying forward Federal Block Grant Funds
	I-7	Establishes guidelines for carrying forward several dedicated environmental funds
J	J-1	Authorizes the transfer of \$1,000,000 in fiscal year 2001-02 and \$400,000 in fiscal year 2002-03 from one-time enhanced federal matching funds in the Department of Human Services to General Fund unappropriated surplus
K	K-1	Lapses \$1,027,712 in fiscal year 2001-02 and \$2,444,416 in fiscal year 2002-03 from the Carrying Balances - Inland Fisheries and Wildlife program to the General Fund

## *Appropriations and Financial Affairs*

	K-2	Provides that appropriations to the Department of Inland Fisheries and Wildlife associated with search and rescue are not considered amounts appropriated to the department for purposes of the Constitutional requirement that appropriations to the department may not be less than revenues
L	L-1	Presents a list of tax expenditures for continuation by the Legislature
M	M-1:M-6	Restricts the high-technology investment tax credit to computer hardware and software activities and the provision of internet access and advanced telecommunication services
N	N-1	Lapses to General Fund unappropriated surplus the revenues collected under the former hospital assessment and directs that any future hospital assessment collections be credited to General Fund undedicated revenue
O	O-1; O-6	Repeals the Sawmill Biomass Tax Credit
	O-2:O-3	Authorizes the carry forward of balances within certain General Fund programs within Department of Administrative and Financial Services
	O-4	Recognizes General Fund revenue from the recovery of reserve for accounts receivable
	O-5	Recognizes General Fund revenue from the sale of the Maine Criminal Justice Academy
P	P-1	Authorizes the transfer of up to \$150,000 of unencumbered General Fund balances in the Harness Racing Commission program in the Department of Agriculture, Food and Rural Resources to the Harness Racing Promotional Fund, Other Special Revenue account
Q	Q-1:Q-5	Repeals the Trust Fund for a Healthy Maine
	Q-6:Q-7; Q-14	Repeals the working capital advance from the Trust Fund for a Healthy Maine to the Maine Rx Program
	Q-8	Requires the State Treasurer to transfer the balance remaining in the Trust Fund for a Healthy Maine to the General Fund on June 30, 2001

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	Q-9	Transfers to the General Fund a portion of the estimated year-end balances remaining as of June 30, 2002 and June 30, 2003 in the Fund for a Healthy Maine
	Q-10	Transfers a portion of the estimated balance remaining available in the fund from the Fund for a Healthy Maine to the General Fund as a result of unexpended balances as of June 30, 2001
	Q-11	Transfers unexpended funds in the Tobacco Prevention and Control, Other Special Revenue account in the Bureau of Health to the General Fund (these funds are not from the Fund for a Healthy Maine)
	Q-12	Deallocates the amounts allocated to the biennial reserve to make it available within the Fund for a Healthy Maine
	Q-13	Deallocates amounts that will not be expended during fiscal year 2000-01 from allocations from the Fund for a Healthy Maine so that they are available for transfer to the General Fund pursuant to Section Q-10
R	R-1	Transfers an available balance in the Federal Expenditures Fund Maximus Fund program to the General Fund
S	S-1	Lapses \$2,500,000 of available balances in fiscal year 2001-02 to the General Fund from the Education in the Unorganized Territory account within the Department of Education
T	T-1	Deappropriates funding in excess of projected expenditures for the Low-cost Drugs for Maine's Elderly program
U	U-1	Establishes the eligibility criteria for the "cushion" funding portion of General Purpose Aid
	U-2	Sets the "per pupil guarantee" for fiscal years 2001-02 and 2002-03
	U-3	Sets the statewide local share amount of operating cost allocation for fiscal year 2001-02
	U-4	Authorizes Commissioner of Education to spend \$1,300,000 from Adjustments and Miscellaneous Costs Appropriation to assist local school units in implementing "learning results"
	U-5	Establishes the basic elementary and secondary and foundation per pupil operating rates for General Purpose Aid

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	U-6	Establishes per pupil guarantee and statewide factor for General Purpose Aid
	U-7:U-18	Establishes the basic education allocation and appropriation funding level for fiscal year 2001-02
	U-19	Identifies the fiscal year 2001-02 and 2002-03 funding levels for the foundation, debt service and adjustments components of General Purpose Aid
	U-20	Appropriates funds for the Tier 2 cushion and provides additional funds for the Tier 1 cushion
V	V-1:V:8	Provides for the closure of 14 state liquor stores and establishes a planning process for the closure of additional stores and the development of a statewide distribution system
W	W-1	Requires the Treasurer of State to transfer \$1,000,000 from the Abandoned Property Fund to the unappropriated surplus of the General Fund by June 30th of each year of the biennium
X	X-1:X:2	Provides funding for the demolition of the Maine State Prison at Thomaston through the transfer of up to \$3,800,000 from the available balance of the General Fund in fiscal year 2000-01 and, if the balance is insufficient to fund the \$3,800,000 cost, the remainder from the Maine Rainy Day Fund in fiscal year 2001-02
	X-3	Requires all proceeds from the sale of the Maine State Prison in Thomaston be transferred to the Maine Rainy Day Fund
Y	Y-1	Authorizes a working capital of \$25,500,000 from the General Fund to the Fund for a Healthy Maine, beginning July 1, 2003, to be repaid as a first priority from amounts credited to the Fund for a Healthy Maine
	Y-2	Requires the State Controller to Transfer \$12,000,000 from the Fund for a Healthy Maine to the General Fund on or before June 30, 2003
Z	Z-1	Lapses \$4,000,000 from the General Fund Salary Plan program to the General Fund unappropriated surplus at the close of fiscal year 2000-01
AA	AA-1	Makes adjustments to appropriations for General Purpose Aid and for higher education in fiscal year 2002-03

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BB	BB-1	Appropriates \$75,000 in each year of the biennium for the Forum Francophone and provides that funding does not continue past fiscal year 2002-03 without affirmative action by the Legislature
CC	CC-1:CC-4	Provides that the \$6,000 income tax exemption for military pensions is not reduced by the amount of social security or railroad retirement plan benefits (See LD 939)
DD	DD-1:DD-3	Provides for a 2.5% increase in wages and benefits for nonadministrative personnel employed in home care agencies and adjusts funding for nursing facilities to reflect revised estimates
EE	EE-1:EE-3	Provides to restore a cost-of-living adjustment for nursing facilities and for a 3% increase in wages and benefits for "front-line" employees in nursing facilities
FF	FF-1:FF-3	Provides for a 2.5% increase in wages and benefits for direct care personnel in agencies under contract to provide mental health and mental retardation services to children and adults (See LD 1270)
GG	GG-1:GG-4	Provides for an increase in reimbursement for hospice care for routine home care services to the level paid under Medicare plus an additional 23% and requires the Department of Human Services to analyze the savings resulting from that increase (See LD 1641)
HH	HH-1	Appropriates \$25,000 in each year of the biennium to support volunteer hospice programs (See LD 802)
II	II-1:II-8	Amends the laws related to the Maine Learning Technology Endowment and the requirement of an annual learning technology plan
	II-9	Requires the transfer of \$20,000,000 from the Maine Learning Technology Endowment to the General Fund unappropriated surplus
	II-10	Requires the transfer of all interest income earned prior to August 1, 2001 by the Maine Learning Technology Endowment to the General Fund unappropriated surplus
JJ	JJ-1	Authorizes a \$1,700,000 advance from the Fund for a Healthy Maine to the Maine Rx Dedicated Fund on July 1, 2001 that must be repaid by June 30, 2010
	JJ-2	Allocates funds for implementation of the Maine Rx Program



## *Appropriations and Financial Affairs*

KK	KK-1	Lapses \$512,384 in Capital Construction-Repairs-Improvements-Renovation of State Facilities account to General Fund unappropriated surplus in fiscal year 2001-02 from savings from renovation of the State Office Building
	KK-2:KK-4	Recognizes General Fund savings in the Temporary Assistance for Needy Families program as a result of a recognition of child support collection earned but not yet transferred
LL	LL-1:LL-6	Requires insurance coverage of hospice care, palliative care and end-of-life care (See LD 802)
	LL-7; LL-10	Authorizes the establishment of the Maine Center for End-of-Life Care
	LL-8; LL-10	Requires the Department of Professional and Financial Regulation, Office of Licensing and Registration to report on entry level and continuing education requirements related to end-of-life care
	LL-9	Requires the Maine Health Data Organization to gather baseline data and standardized assessment tools regarding end-of-life care

Public Law 2001, chapter 358 was enacted as an emergency measure and took effect June 4, 2001.

<b>PUBLIC 438</b>	<b>An Act to Fund the Collective Bargaining Agreements and Benefits of Employees Covered by Collective Bargaining and for Certain Employees Excluded from Collective Bargaining</b>	<b>LD 1829</b>
<b>EMERGENCY</b>		

<u>Sponsor(s)</u> BERRY R GOLDTHWAIT	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Public Law 2001, chapter 438 implements the cost items in the collective bargaining agreements reached between the State and the Maine State Employees Association and the Maine State Troopers Association and for confidential employees as follows.

1. It reflects the costs from the General Fund and the Highway Fund to fund salary increases, market and pay equity adjustments and benefits.
2. It provides for the adjustment of salary schedules in fiscal years 2001-02 and 2002-03.

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3. It provides for similar and equitable treatment of probationary employees, confidential employees, employees whose salaries are subject to adjustment by the Governor, employees of the legislative branch and other employees.

Part B implements the cost items in the collective bargaining agreements reached between the Judicial Department and the Maine State Employees Association for the administrative services bargaining unit, the supervisory bargaining unit and the professional bargaining unit and for confidential employees.

1. It provides for the adjustment of salary schedules in fiscal years 2001-02 and 2002-03.
2. It provides for similar and equitable treatment of probationary, confidential employees and other employees.
3. It reflects the costs from the General Fund to fund salary increases.

Part C authorizes use of the salary plan to fund the collective bargaining agreements and other cost items, provides that positions supported from other funds must be funded whenever possible from those other sources and provides for reimbursement to the Department of Administrative and Financial Services for costs incurred in the process of collective bargaining and contract administration and related costs.

Part D increases the rate of mileage reimbursement for state employees for the use of their privately owned vehicles from 28¢ to 30¢ effective July 1, 2001 and from 30¢ to 32¢ effective July 1, 2002.

Public Law 2001, chapter 428 was enacted as an emergency measure and took effect June 20, 2001.

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**PUBLIC 439      An Act to Make Supplemental Appropriations and      LD 855**  
**Allocations for the Expenditures of State Government and to**  
**Change Certain Provisions of the Law Necessary to the**  
**Proper Operations of State Government for the Fiscal Years**  
**Ending June 30, 2001, June 30, 2002 and June 30, 2003**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY R	OTP-AM    MAJ	H-724
GOLDTHWAIT	OTP-AM    MIN	
		H-740   BERRY R
		H-747   BERRY R
		S-367   GAGNON
		S-368   BENNETT

Public Law 2001, chapter 439 is the Part 2 budget bill for fiscal years 2001-02 and 2002-03. It contains the following provisions.

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
A	A-1	Supplemental Appropriations and Allocations (All Funds)
B	B-1	General Fund Appropriations and Deappropriations for Reclassifications
	B-2	Federal Expenditures Fund Allocations for Reclassifications
	B-3	Other Special Revenue funds Allocations/Deallocations for Reclassifications
	B-4	Federal Block Grant Fund Allocations for Reclassifications
C	C-1;C-4	Amends the Retiree Health Insurance Internal Service Fund law to clarify investment, audit and the use of the fund
	C-2;C-3	Authorizes the State Budget Officer to distribute retiree health insurance costs to affected accounts as adjustments to appropriations and allocations in fiscal year 2002-03
D	D-1:D-2; D-9	Amends the income tax law as it relates to the definition of "corporation" to ensure that all health maintenance organizations are equitably subjected to the corporate income tax
	D-3:D-9	Amends the law as it relates to the definition of "compensation" with regard to leased or temporary employees for determining the

## *Appropriations and Financial Affairs*

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
		payroll factor for purposes of income tax apportionment
E	E-1	Amends the law concerning positions to support the design and implementation of the new Budget and Financial Management System
F	F-1	Authorizes the Department of Administrative and Financial Services to enter into lease-purchase agreements to purchase motor vehicles for the Central Motor Pool
	F-2	Authorizes the Department of Administrative and Financial Services to enter into lease-purchase agreements to purchase hardware, software and systems in support of the operations of State Government
	F-3	Authorizes Maine Governmental Facilities Authority to issue securities up to \$7,360,000 for construction and renovation at AMHI, the Governor Baxter School for the Deaf and the Transportation Building in Augusta
G	G-1:G-2	Establishes the Office of Victim Services in the Department of Corrections
	G-3	Authorizes the transfer of funds by financial order to pay overtime and labor market adjustments for teachers at the Northern Maine Juvenile Facility
	G-4	Authorizes the Department of Corrections to establish intermittent positions to avoid unbudgeted overtime
	G-5:G-8	Renames the Southern Maine Juvenile Facility, the Long Creek Youth Development Center and the Northern Maine Juvenile Facility the Mountain View Youth Development Center
	G-9:G-12	Authorizes the Department of Corrections to carry forward funds for overtime
H	H-1:H-4	Removes the Federal and State Education Program Coordinator from the list of appointments by the Commissioner of Education
	H-5	Authorizes funds to be lapsed from the General Purpose Aid For Local Schools account to the General Fund
I	I-1	Establishes the Land Management Fund within the Department of Inland Fisheries and Wildlife

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	I-2	Authorizes certain carrying balances within the Inland Fisheries and Wildlife program to lapse to the General Fund
	I-3	Appropriates funds to restore 3 part-time Recreational and Safety Coordinator positions
J	J-1:J-7	Creates a deputy commissioner and eliminates references to other administrative positions in the Department of Mental Health, Mental Retardation and Substance Abuse Services
K	K-1	Authorizes the Governor Baxter School for the Deaf to transfer available balances of appropriations and allocations between line categories within the same account in fiscal year 2001-02
	K-2	Authorizes the Governor Baxter School for the Deaf to extend a limited-period Education Team and Policy Director position to June 30, 2002
L	L-1:L-5	Changes the presumptive abandonment period for property related to the demutualization or related reorganization of an insurance company to 2 years
	L-6:L-8	It also allows the Department of Administrative and Financial Services, Bureau of Revenue Services to share certain information with the Treasurer of State
	L-9	It also transfers an additional \$1 million annually in fiscal year 2001-02 and 2002-03 from the Abandoned Property Fund to the General Fund
M	M-1	Authorizes the change of bargaining unit from Professional Technical to Supervisory Services for the Senior DNA Forensic Analyst position within the Department of Public Safety, Bureau of State Police
	M-2	Authorizes the Department of Human Services to fund position upgrades in the Drinking Water Program, the Eating and Lodging Program and a previously approved upgrade of one Planning and Research Associate position
N	N-1	Authorizes the Maine Governmental Facilities Authority to issue securities up to \$5,500,000 for certain courthouse projects
O	O-1:O-2	Eliminates the Office of State Historian program, deappropriates its current funding and establishes that program within the

## *Appropriations and Financial Affairs*

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
		Historic Preservation Commission
P	P-1	Funds the Lewiston-Auburn College teachers for elementary and middle schools projects through a delay in the Maine Patent Program and provides 2.5% increases in the base budgets for the University of Maine System, the Maine Technical College System and the Maine Maritime Academy
	P-2	Authorizes the Maine Technical College System to receive transfers from the General Fund Salary Plan for the costs of collective bargaining agreements in fiscal years 2001-02 and 2002 03
Q	Q-1	Continues an adjustment of headcount that was authorized in Public Law 2001, c. 1; reflects the number of positions authorized by the Legislative Council to support the activities of the Legislature and the organization of the 120th Legislature; provides sufficient funds in the personal services line category to meet the needs of the current organizational structure of the Legislature; and provides for a line category transfer of funds to establish a position to replace desktop support currently provided by contract
R	R-1	Allocates funds supported by private fund-raising activities for a celebration of the State House renovations
S	S-1	Provides additional guidance regarding the 2.5% increase of wages and benefits included in the reimbursement to agencies for mental health and mental retardation services
T	T-1:T-2	Establishes the Governor Baxter School for the Deaf Compensation Fund within the Maine Rainy Day Fund as a separate account and capitalizes the compensation fund in the amount of \$3,000,000. It further authorizes the transfer of the \$3,000,000 from the compensation fund within the Maine Rainy Day Fund to the Baxter Compensation Fund, Other Special Revenue funds account by financial order after the written request of the Baxter Compensation Authority Board (see LD 271 & LD 293)
	T-3:T-8	Creates the Baxter Compensation Authority and the Baxter Compensation Program to provide funding to former students who were abused while students of the Governor Baxter School for the Deaf or the Maine School for the Deaf

## *Appropriations and Financial Affairs*

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	T-9:T-10	Authorizes the transfer of \$1,000,000 fro the Governor Baxter School for the Deaf Student Trust Fund to the Other Special Revenue account and makes allocations from the account
U	U-1:U-4	Establishes a Statewide Radio and Network System Reserve Fund as an internal service fund within the Department of Administrative and Financial Services for the purpose of replacing the current radio and network system; requires the Chief Information Officer of the Department of Administrative and Financial Services to prepare a report to specified committees of the Legislature on all activities of the radio and network system; provides lease-purchase authorization for the acquisition of hardware and software for the radio and network system and provides appropriations and allocations to fund the lease-purchase authorization
V	V-1	Provides a waiver of the 3.5 mile radius requirement for agency liquor stores
W	W-1	Transfers available balances in an account within the Department of the Attorney General to the General Fund unappropriated surplus
	W-2	Transfers available balances in the Department of Professional and Financial Regulation, Securities Division Other Special Revenue account to the General Fund
X	X-1:X-6	Establishes an Ombudsman program (see LD 764)
	X-7:X-9	Provides funds for the Department of Human Services for 24 positions and related operating costs associated with increasing resources for child protective and child welfare services and funds for the Ombudsman program
	X-10:X-12	Transfers one-time child support collections to TANF and deappropriates from the TANF program an amount equal to the transfer of these collections
Y	Y-1:Y-3	Provides funds for the Department of Human Services for the completion of the Claims Management System through the use of child support collection funds
Z	Z-1:Z-2	Establishes the Sexual Assault Forensic Examiner Advisory Board within the Department of the Attorney General (see LD 1530)

## *Appropriations and Financial Affairs*

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	Z-3	Appropriates funds to establish a Research Assistant position in the Department of the Attorney General for the sexual assault forensic examiner program and funds for one Coordinator position and a half-time Clerk Typist III position in the Department of Public Safety for the new violence against women initiative.
AA	AA-1	Authorizes the Maine Fire Protection Services Commission to carry forward operating funds until June 30, 2002
BB	BB-1	Allocates Other Special Revenue funds within the Department of Environmental Protection to fund the costs of a low-flow study to be conducted by the Aroostook Water and Soil Management Board
CC	CC-1:CC-3	Provides a 5% increase in the maximum level of assistance in the TANF program effective October 1, 2001 (see LD 1209)
DD	DD-1	Revises allocations for the Office of the Public Advocate to limit growth
EE	EE-1:EE-4	Establishes order of priorities for unappropriated surplus transfers at the close of fiscal year 2000-01
FF	FF-1:FF-2	Authorizes the issuance of combination fishing and hunting licenses to active duty military personnel stationed outside the United States for an amount equal to the administrative costs associated with issuing the licenses. (see LD 8)
GG	GG-1	Authorizes the Maine State Housing Authority to make Low-income Home Energy Assistance program funds available earlier in the year and authorizes a \$10,000,000 working capital advance from the General Fund beginning in fiscal year 2002-03 (see LD 29)
	GG-2:GG-5	Requires the Maine State Housing Authority to study and report on the availability of fixed-price home heating fuel contracts for fuel assistance recipients, the identification of funding for the nonfederal share of weatherization program costs, the feasibility of establishing an Office of Energy Conservation and the possibility of increasing the percentage of LIHEAP funds used for weatherization (see LD 29)



## *Appropriations and Financial Affairs*

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	GG-6	Requires the State Planning Office to study whether the State can reduce its per capita residential energy consumption by 25% by 2011 (see LD 29)
HH	HH-1:HH-4	Expands eligibility for the elderly low-cost drug program by adding as a basic component coverage for prescribed, approved over-the-counter medications and by establishing eligibility at 185% of the federal nonfarm income poverty line with cost-of-living adjustments (see LD 50)
II	II-1:ii-2	Provides a use tax exemption for merchandise donated to an organization that is exempt from sales tax (see LD 73)
JJ	JJ-1	Appropriates funds for a grant to the Maine Aquaculture Innovation Center to support outreach activities at the Beals Island Regional Shellfish Hatchery (see LD 97)
KK	KK-1:KK-2	Provides an income tax deduction for Holocaust victim settlement payments to Holocaust survivors (See LD 129)
LL	LL-1:LL-3	Requires the Department of Human Services to adopt rules to increase the amount of Medicaid reimbursement for occupational and physical therapy, speech and language pathologist and audiologist services to 50% of the usual and customary charge and appropriates and allocates the necessary funds (see LD 183)
MM	MM-1	Appropriates funds to the Department of Education to allow the Interdepartmental Committee on Transition to assist public schools in complying with state and federal transition requirements related to learning results and postsecondary outcomes for youth with disabilities (see LD 185)
NN	NN-1:NN-2	Establishes the Department of Conservation role as liaison to the United States Army Corps of Engineers with regard to activities at Camp Ellis in Saco and requires the department to develop a beach nourishment policy (see LD 197)
OO	OO-1	Increases the amount dedicated to state-municipal revenue sharing from 5.1% to 5.2% of state income tax and sales tax revenues beginning January 1, 2003 (see LD 209)
PP	PP-1:PP-3	Increases the state contribution for health insurance for retired teachers from 30% to 35% beginning July 1, 2002 and requires that teachers have 5 years of creditable service to be eligible for state contribution (see LD 211)

## *Appropriations and Financial Affairs*

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
QQ	QQ-1:QQ-3	Reinstates emergency assistance for veterans through the Bureau of Veterans' Services (see LD 224)
RR	RR-1:RR-2	Appropriates \$300,000 to the Maine Science and Technology Foundation for the Maine Experimental Program to Stimulate Competitive Research (EPSCoR) and establishes the Maine EPSCoR Capacity Fund to provide state matching funds for EPSCoR activities (see LD 228)
SS	SS-1	Appropriates \$50,000 to the Maine Maritime Academy's Small Vessel Endowment Fund to encourage private donations (see LD 231)
TT	TT-1: TT-3	Makes available funds to provide full Medicaid services for women with breast or cervical cancer diagnosed through the Maine Breast and Cervical Health Program (see LD 243)
UU	UU-1:UU-3	Designates as public assistance, aid provided to veterans and their dependents by the Department of Defense, Veterans and Emergency Management (see LD 268)
VV	VV-1:VV-4	Increases the maximum benefit under the Judicial Retirement System from 60% to 70% of average final compensation for judges appointed after December 1, 1984 (see LD 301)
WW	WW-1	Provides a one-time appropriation of \$20,000 for dues for membership in the Northeast States Association for Agricultural Stewardship (see LD 305)
XX	XX-1: XX-5	Permits foster parents to purchase group health insurance through the state employee health insurance plan (see LD 353)
YY	YY-1	Appropriates funds for 4 new sites for Jobs for Maine's Graduates (see LD 367)
ZZ	ZZ-1	Provides an appropriation of \$50,000 in fiscal year 2002-03 to be distributed to the High Hopes Clubhouse in Waterville (see LD 370)
AAA	AAA-1	Provides funds for the State's share of the budget to operate the Northeast Legislative Association on Prescription Drug Pricing (see LD 387)

## *Appropriations and Financial Affairs*

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
BBB	BBB-1: BBB-3	Establishes the Community Health Access Program within the Department of Human Services to provide comprehensive health care services through local nonprofit community corporations (see LD 392)
CCC	CCC-1: CCC-3	Provides funds to permit Medicaid reimbursement for nonprofit nursing facilities to include 1/4 of the profit rate applicable to proprietary facilities if approved by the federal Health Care Financing Administration (see LD 393)
DDD	DDD-1: DDD-3	Provides funds to increase the per diem compensation of Active Retired Superior Court Justices and District Court Judges (see LD 400)
EEE	EEE-1	Appropriates funds for the operating costs of the Saco River Corridor Commission (see LD 416)
FFF	FFF-1	Appropriates funds to the Department of Education for grants by the Maine Leadership Consortium to support teachers seeking federal certification (see 436)
GGG	GGG-1	Allocates funds from the Fund for a Healthy Maine for coordination and administration of the Donated Dental Services program (see LD 505)
HHH	HHH-1: HHH-2	Appropriates funds, contingent on bond passage, to support the development, renovation and equipment of the proposed Bath Higher Education Center (see LD 532)
III	III-1:III-2	Provides a sales tax exemption for certain sales by auxiliary organizations of the American Legion (see LD 581)
JJJ	JJJ-1	Appropriates funds to the Department of Labor for Catholic Charities Maine to support a portion of the cost of 2 Teacher of Blind and Visually Impaired Children positions (see LD 603)
KKK	KKK-1	Clarifies and codifies the duties of the Department of Mental Health, Mental Retardation and Substance Abuse Services regarding the need for children's crisis services (see LD 633)
LLL	LLL-1	Appropriates funds to support the provision of computer access services to blind consumers through the Iris Network (see LD 663)

## *Appropriations and Financial Affairs*

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
MMM	MMM-1	Appropriates funds to the Department of Labor for Maine Centers for Women, Work and Community to provide increased service in Washington and Waldo Counties beginning in fiscal year 2002-03 (see LD 695)
NNN	NNN-1	Appropriates funds to the Finance Authority of Maine to conduct a study to determine the feasibility of establishing an accredited dental residency program (see LD 707)
OOO	OOO-1:OOO-18	Amends the Sex Offender Registration and Notification Act of 1999 and the sentencing provisions for sex offenders to provide enhanced registration and notification requirements (see LD 833)
PPP	PPP-1:PPP-2	Provides a sales tax exemption for memorial foundations that primarily provide cultural programs free to the public (see LD 845)
QQQ	QQQ-1	Authorizes the Department of Human Services to establish a prescription drug reimportation program contingent upon federal approval and cost savings (see LD 916)
RRR	RRR-1: RRR-3	Provides for reimbursement of optometrists for services to persons whose care is paid for in part by the Medicaid program and in part by the Medicare program (see LD 917)
SSS	SSS-1: SSS-8	Establishes the Education Funding Reform Committee to develop and report by December 31, 2001 a comprehensive package of tax reform legislation to update and equalize the method of raising money for education including reducing reliance on property taxes for education funding (see LD 970)
TTT	TTT-1	Appropriates additional funds for the Reading Recovery Program (see LD 998)
UUU	UUU-1: UUU-2	Expands eligibility of schools for school breakfast incentive grants and permits unexpended balances to be carried forward (see LD 1032)
VVV	VVV-1	Appropriates one-time funds for the Capital Riverfront Improvement District (see LD 1049)
WWW	WWW-1: WWW-2	Appropriates funds for the building alternatives program at the Maine Youth Center and requires the Department of Corrections to report on a plan to establish a building alternatives plan at the

## *Appropriations and Financial Affairs*

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
		Northern Maine Juvenile Facility (see LD 1149)
XXX	XXX-1: XXX-4	Provides a one-time appropriation of \$100,000 in fiscal year 2001-02 for community forestry and dedicates a portion of real estate transfer tax revenues, but not exceeding \$200,000 annually, reduced by federal funds, to a new Community Forestry Fund (see LD 1200)
YYY	YYY-1	Appropriates funds for continuation of the meat inspection program (see LD 1215)
ZZZ	ZZZ-1: ZZZ-3	Establishes the Health Care System and Health Security Board to investigate and develop a plan for implementation of a single-payor health care plan to provide health care coverage to all citizens of the State (see LD 1277)
AAAA	AAAA-1: AAAA-2	Establishes the Maine Research and Development Evaluation Fund within the Maine Science and Technology Foundation to evaluate the State's research and development efforts (see LD 1325)
BBBB	BBBB-1	Appropriates \$100,000 in fiscal year 2001-02 for a low-barrier homeless teen shelter in Rockland (see LD 1365)
CCCC	CCCC-1	Provides additional appropriations for General Purpose Aid to Local Schools for the geographic isolation adjustment (see LD 1383)
DDDD	DDDD-1: DDDD-4	Changes the name of the Maine Communities in the New Century Program to the New Century Community Program and appropriates additional funding to expand activities of the program (see LD 1433)
EEEE	EEEE-1: EEEE-9	Authorizes implementation of the Enhanced 9-1-1 Emergency System, authorizes a one-year increase in the statewide 9-1-1 surcharge and provides additional allocations necessary to implement the program (see LD 1467)
FFFF	FFFF-1: FFFF-3	Provides funds to include podiatrists in the group of health care providers who are exempt from reimbursement reductions with respect to its liability for Medicare Part B deductible and coinsurance charges (see LD 1499)

## *Appropriations and Financial Affairs*

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
GGGG	GGGG-1: GGGG-18	Changes retirement plan options for certain law enforcement officers in the Department of Inland Fisheries and Wildlife and the Department of Marine Resources contingent upon the availability of funding from General Fund unappropriated surplus or other Legislative action (see LD 1584)
HHHH	HHHH-1: HHHH-2	Provides a one-time appropriation for the Health Workforce Retraining Program to provide matching grants to education and training programs by eligible health care businesses and organizations (see LD 1592)
IIII	IIII-1	Appropriates funds to the Maine State Library to purchase on-line reference materials (see LD 1646)
JJJJ	JJJJ-1	Appropriates funds for various technical college purposes and for the Western Maine University and Technical College Center (see LD 1648)
KKKK	KKKK-1: KKKK-3	Appropriates funds for a grant program administered through the certified forest resource manager grant fund to assist foresters in obtaining certain certifications (see LD 1660)
LLLL	LLLL-1: LLLL-2	Establishes the Maine Port Terminal Facilities Marketing Program and appropriates funds to market the Eastport port terminal facility (LD 1669)
MMMM	MMMM-1: MMMM-2	Requires the Commissioner of Education to pay a supplement to the regular student tuition for unorganized territory students attending school in SAD No. 58 (see LD 1684)
NNNN	NNNN-1: NNNN-2	Establishes a State purchasing code of conduct for companies supplying the State with certain goods that requires company compliance with applicable wages, health and safety laws and human and labor rights treaties (see LD 1748)
OOOO	OOOO-1: OOOO-4	Raises the debt service limit for school facilities bonds for fiscal year 2005-06 and fiscal year 2006-07 and requires the Department of Education, the State Board of Education and the Maine Municipal Bond Bank to amend certain rules related to school construction projects and the School Revolving Renovation Fund (see LD 1762)
PPPP	PPPP-1: PPPP-4	Creates the Youth Advisory Council to advise the Legislature and others on issues of importance to youth (see LD 1779)

## *Appropriations and Financial Affairs*

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
QQQQ	QQQQ-1: QQQQ-2	Establishes the Maine Computer Crimes Task Force to report to the Legislature and assist law enforcement agencies that investigate crimes involving computers (LD 1800)
RRRR	RRRR-1	Authorizes the Department of Defense, Veterans and Emergency Services to accept land in southern Maine for a veterans' cemetery (see LD 1803)
SSSS	SSSS-1: SSSS-4	Increases the cigarette tax to 94 cents per pack of 20 cigarettes effective October 1, 2001
TTTT	TTTT-1: TTTT-3	Extends the 7% tax on prepared foods sold by businesses licensed for on-premise liquor consumption to all sales of prepared food and amends the definition of prepared food effective October 1, 2001
UUUU	UUUU-1	Establishes the Tourism Marketing Promotion Fund and dedicates a portion of the 7% tax on meals and lodging to fund tourism promotion (see LD 1677)
VVVV	VVVV-1	Appropriates funds for various programs for sexual assault and domestic violence intervention and prevention (See LD 524)
WWWW	WWWW1: WWWW-6	Authorizes certain balances to carry forward and makes related adjustments to appropriations; provides funding for State House renovation shortfall, legislative studies, the civil rights team project and the Maine Biomedical Research Fund (See LD 210); recognizes savings in the Department of Economic and Community Development; and utilizes some TANF reserve funds within the Department of Human Services
XXXX	XXXX-1: XXXX-2	Establishes a cold case homicide squad within the Department of Public Safety (see LD 1743)
YYYY	YYYY-1	Authorizes the State Controller to keep open the official system of general accounts of state government for fiscal year 2000-01 in order to make post-closing entries and adjustments
ZZZZ	ZZZZ-1	Authorizes the State Controller to transfer \$1,750,000 from the Fund for a Healthy Maine to General Fund unappropriated surplus no later than June 30, 2003
AAAAA	AAAAA-1	Provides funds to the Department of Labor for the continuation of the Maine Airs program through the IRIS Network (see LD 205)

## *Appropriations and Financial Affairs*

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
BBBBB	BBBBB-1: BBBBB-3	Directs the State Fire Marshal to negotiate a bulk purchase price for thermal imaging cameras to be purchased by local fire-fighting units and law enforcement agencies (see LD 260)
CCCCC	CCCCC-1: CCCCC-4	Authorizes the use of Maine Rainy Day Funds as needed to pay death benefits for certain law enforcement officers, firefighters and emergency medical services persons who die while in the line of duty (see LD 1465)
DDDDD	DDDDD-1	Provides additional funds from the Fund for a Healthy Maine for loans to Maine residents enrolled in a school of dental education (see LD 896)

**PUBLIC 449      An Act to Increase the Bond Ceiling of the University of      LD 498**  
**Maine System**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT		

Public Law 2001, chapter 449 increases the University of Maine System bond ceiling from \$100,000,000 to \$150,000,000.

**P & S 33      An Act to Authorize a General Fund Bond Issue in the      LD 1663**  
**Amount of \$17,200,000 to Construct and Upgrade Water**  
**Pollution Control Facilities, to Remove Discharges, to**  
**Remediate Municipal Solid Waste Landfills, to Clean up Tire**  
**Stockpiles, to Make Drinking Water System Improvements**  
**and to Assist Municipalities in Building and Upgrading**  
**Infrastructure for Public Health and Safety**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM      MAJ	H-727
MARTIN	OTP-AM      MIN	H-745      BERRY R

Private and Special 2001, chapter 33 provides for a bond issue in the amount of \$17,000,000 to be used in the following ways:

1. \$6,000,000 to construct and upgrade water pollution control facilities, providing the state match for \$12,500,000 in federal funds;



## *Appropriations and Financial Affairs*

2. \$1,000,000 to protect the State's drinking water resources by granting funds to cities and towns for the remediation of their solid waste landfills;
3. \$1,500,000 to protect public health and safety and the environment by providing funds to remove and replace failing septic systems;
4. \$1,000,000 to protect public health and safety and the environment by providing funds to remove overboard discharges;
5. \$500,000 to protect the public health and safety and the environment by providing funds for the cleanup of tire stockpiles;
6. \$3,000,000 to support drinking water system improvements that address public health threats, providing the state match for \$15,760,000 in federal funds;
7. \$300,000 for grants and loans to municipalities for public infrastructure through the Municipal Investment Trust Fund;
8. \$2,000,000 to construct new or retrofit existing pollution control structures on Maine farms to protect the environment;
9. \$700,000 to construct environmentally sound water sources that help avoid drought damage to crops; and
10. \$1,000,000 to recapitalize the Potato Marketing Improvement Fund.

**P & S 35**

**An Act to Authorize a General Fund Bond Issue in the  
Amount of \$12,000,000 to Address the Affordable Housing  
Crisis in the State**

**LD 1593**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM    A	S-356
COLWELL	OTP-AM    B	
	OTP-AM    C	
	ONTP       D	

Private and Special 2001, chapter 35 provides for a bond referendum on the issuance of bonds in the total amount of \$12,000,000 to increase the availability of certain types of housing. Bond proceeds in the amount of \$10,000,000 would be used to fund renovations and replacement of affordable housing, to reduce the cost of land acquisition for affordable housing, to provide assistance to nonprofit housing organizations and to provide assistance in the development of housing for homeless people and mental health services consumers. Bond proceeds in the amount of \$2,000,000 would be used to provide housing for victims of domestic violence.

## *Appropriations and Financial Affairs*

**P & S 37      An Act to Authorize a General Fund Bond Issue in the      LD 1378**  
**Amount of \$36,700,000 for the State's Public Universities,**  
**the Maine Maritime Academy and other Public Learning**  
**Centers**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART	OTP-AM	S-350
THOMAS		S-373 SMALL

Private and Special 2001, chapter 37 provides for a bond issue in the amount of \$36,700,000, to be used to fund a variety of improvements at the State's public universities, the Maine Maritime Academy and other public learning centers. Four million dollars of the bond proceeds are allocated to the University of Maine for the costs of an Arts Center. Four million eight hundred thousand dollars are allocated to the University of Maine at Farmington for the construction of an education classroom facility. Five million six hundred thousand dollars are allocated to the University of Maine at Presque Isle for the construction of a health and physical education complex. Four million dollars are allocated to the University of Maine at Augusta to pay a portion of the construction of a technology classroom and student center facility. Three million two hundred thousand dollars are allocated to the University of Maine at Fort Kent to pay a portion of the construction of a health/tech center and renewal of a library/classroom. Eight million dollars are allocated to the University of Southern Maine for the construction of a community education facility and the renewal of the combination of a classroom and library. Four million dollars are allocated to the Maine Maritime Academy for the construction and renovation of dormitories, classrooms and laboratories. One million dollars are allocated to the Maine Technical College System to renovate and equip classroom space at the Bath Higher Education Center. One million eight hundred thousand dollars are allocated to the University of Maine System to renovate and equip classroom space at the Western Maine University Center. Two hundred thousand dollars are allocated to the Maine Technical College System to renovate and equip classroom space at the Katahdin Area K-Tech Center. One hundred thousand dollars are allocated to the University of Maine System to renovate and equip classroom space at the Calais Center.

## *Appropriations and Financial Affairs*

**P & S 38                    An Act to Authorize Department of Transportation Bond                    LD 1504**  
**Issues in the Amount of \$61,000,000 to Match Available**  
**Federal Funds for Improvements to Highways and Bridges,**  
**Airports, Public Transit and Ferry Facilities; Development**  
**of Rail, Trail and Marine Infrastructure; and Improvements**  
**to Intermodal Facilities Statewide**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH FISHER	OTP-AM	S-361

Private and Special 2001, chapter 38 provides for a bond issue in the amount of \$61,000,000, to be used for improvements to highways and bridges, airports, public transit and ferry facilities and the development of rail, trail and marine infrastructure and intermodal facilities statewide.

**P & S 39                    An Act to Authorize a General Fund Bond Issue in the                    LD 1709**  
**Amount of \$5,000,000 for Research and Development**  
**Equipment and Infrastructure**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	OTP-AM    MAJ	S-372
	ONTP        MIN	S-377    SHOREY

Private and Special 2001, chapter 39 provides for a bond issue in the amount of \$5,000,000. The proceeds will be used to provide allocations in the amount of \$4,000,000 to the Maine Biomedical Research Fund and \$1,000,000 to the Maine Marine Research Fund.

## *Appropriations and Financial Affairs*

**P & S 41      An Act to Authorize a General Fund Bond Issue in the      LD 1707**  
**Amount of \$15,000,000 to Capitalize the School Revolving**  
**Renovation Fund for Repairs and Improvements in Public**  
**School Facilities to Address Health, Safety and Compliance**  
**Deficiencies, General Renovation Needs and Learning Space**  
**Upgrades**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B RICHARD	OTP-AM	S-358

Private and Special, chapter 41 provides for a bond issue in the amount of \$15,000,000, to be used to capitalize the State's School Revolving Renovation Fund for repairs and improvements in public school facilities.

**RESOLVE 12    Resolve, to Amend Certain Dates for the Issuance of      LD 1339**  
**EMERGENCY   Bonds**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAILHOT DOUGLASS	OTP	

Resolves 2001, chapter 12 changes the deadline for the issuance of bonds for the Springvale District Court and the Lewiston District Court from July 1, 2001 to January 1, 2001. The change is made retroactive to January 1, 2001. This resolve was enacted as an emergency measure and took effect May 9, 2001.

**RESOLVE 42    Resolve, to Improve Services to Persons with Mental      LD 1268**  
**EMERGENCY   Retardation**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY R	OTP-AM	H-494

Resolves 2001, chapter 42 requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to convene a task force to develop a proposal for a pilot program to explore alternative methods of developing individual client services programs and to report to the Joint Standing Committee on Health and Human Services by November 1, 2001.

The Resolve also requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop a plan to address the ongoing cost increases for existing mental retardation services for adults, the changes in support needs of individuals served and

## *Appropriations and Financial Affairs*

the provision of services to adults on waiting lists and to report to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Health and Human Services by November 1, 2001.

This resolve was enacted as an emergency measure and took effect May 31, 2001.



## ***Banking and Insurance***

**PUBLIC 3      An Act to Allow Certified Insurance Counselors to      LD 80**  
**Qualify as Risk Managers**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP	

Public Law 2001, chapter 3 adds a certified insurance counselor to the list of designations that qualify as a risk manager used or employed by a large commercial contract.

**PUBLIC 16      An Act to Clarify Insurance Coverage for Victims of      LD 217**  
**Domestic Violence**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY O'NEIL	OTP-AM	S-5

Public Law 2001, chapter 16 clarifies that an insurer, nonprofit hospital and medical service organization or health maintenance organization may not deny, cancel, refuse to renew or restrict coverage of any person or require additional charges based on the fact or perception that the applicant or insured is, or may become, a victim of domestic abuse.

Public Law 2001, chapter 16 also requires that if an insurer, nonprofit hospital and medical service organization or health maintenance organization makes an adverse insurance decision on the basis of a medical condition that the insurer, nonprofit hospital and medical service organization or health maintenance organization knows or has reason to know is related to domestic abuse, the insurer, nonprofit hospital and medical service organization or health maintenance organization shall justify its decision to the applicant or insured in writing.

**PUBLIC 44      An Act to Change the Name of the Bureau of Banking in      LD 429**  
**Order to Accurately Reflect the Scope and Variety of**  
**Entities Regulated by the Bureau**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL DOUGLASS	OTP-AM	H-50

Public Law 2001, chapter 44 changes the name of the Bureau of Banking to the Bureau of Financial Institutions and the name of the Superintendent of Banking to the Superintendent of Financial Institutions.

The law becomes effective January 1, 2002.

## ***Banking and Insurance***

### **PUBLIC 47      An Act to Amend the Credit for Reinsurance Provisions      LD 431 of the Maine Insurance Code**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM	H-44

Public Law 2001, chapter 47 amends the State's credit for reinsurance statutes to adopt provisions from the 1996 National Association of Insurance Commissioners Credit for Reinsurance Model Act related to oversight and regulation of ceding insurers and reinsurers. The law also incorporates technical clean-up provisions to the credit for reinsurance and rehabilitation and liquidation laws to eliminate confusing and ambiguous language and clarify a reinsurer's responsibility in the event of an insurance company insolvency.

### **PUBLIC 48      An Act to Extend Workers' Compensation      LD 163 Twenty-four-hour Pilot Projects**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO	OTP-AM    MAJ	H-41
LAFOUNTAIN	ONTP      MIN	

Public Law 2001, chapter 48 continues authorization for workers' compensation health benefits pilot projects for 4 additional years until January 1, 2005. The law applies retroactively to January 1, 2001.

### **PUBLIC 61      An Act to Ensure Parity in the Sale of Securities by      LD 375 EMERGENCY Maine Financial Institutions**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO	OTP-AM	H-43
LAFOUNTAIN		

Public Law 2001, chapter 61 amends state law governing broker-dealer registration of providers of financial services to ensure conformity between state securities laws and the related provisions of the Gramm-Leach-Bliley Act, which was adopted by Congress in 1999. The law establishes parity between financial institutions in Maine and financial institutions in other states with respect to the need to register as a broker-dealer in the sale of securities, except that financial institutions in Maine are required to continue to be licensed as a broker-dealer in connection with private securities offerings and certain de minimis transactions.

Public Law 2001, chapter 61 was enacted as an emergency measure effective April 12, 2001.



## *Banking and Insurance*

### **PUBLIC 72      An Act to Amend the Maine Insurance Code to Adopt      LD 854** **Statutory Insurance Accounting Principles**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN LAFOUNTAIN	OTP-AM	H-79

Public Law 2001, chapter 72 modernizes the laws governing accounting standards for insurers by adopting the statutory insurance accounting practices that have been codified by the National Association of Insurance Commissioners, or NAIC, on a nationwide basis effective January 1, 2001. The law repeals conflicting or superfluous provisions of the chapter of the Maine Insurance Code relating to valuation of insurers' assets and liabilities and updates the pertinent cross-references. It also corrects an error in the definition of "subsidiary" in the holding company law and incorporates a change to the transactions-with-affiliates section that was inadvertently omitted from prior accreditation legislation.

### **PUBLIC 79      An Act to Amend the Definition of "Health Insurance"      LD 413** **EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM	H-81

Public Law 2001, chapter 79 excludes certain limited benefit health insurance products from the definition of "health insurance" and related terms as the terms apply to laws enacted after the effective date of this law that mandate medical benefits and coverage for certain specific health services, specific diseases or certain providers of health care services and that require certain rights and obligations under the Maine Revised Statutes, Title 24-A, chapter 56-A. The effect of Public Law 2001, chapter 79 is to exempt accidental injury, specified disease, hospital indemnity, disability income, Medicare supplement, long-term care or other limited benefit health insurance from having to comply with mandated benefit laws.

Public Law 2001, chapter 79 was enacted as an emergency measure effective May 2, 2001.

## ***Banking and Insurance***

### **PUBLIC 82      An Act to Amend the Maine Consumer Credit Code**

**LD 412**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL DOUGLASS	OTP-AM	H-80

Public Law 2001, chapter 82 allows a creditor to permit a consumer to delay the first periodic payment on a closed-end credit sale or loan for up to 12 months. Under current law, deferral is only permitted for up to 90 days.

Public Law 2001, chapter 82 also prohibits the assessment of interests or costs against a consumer during the deferral period, but permits assessment of allowable costs not associated with the deferral such as costs incurred by default other than for nonpayment.

### **PUBLIC 88      An Act Related to the Financial Regulation of Health Maintenance Organizations**

**LD 1284**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN O'NEIL	OTP	

Public Law 2001, chapter 88 makes several changes to the laws concerning the financial regulation of health maintenance organizations. The law does the following.

1. It clarifies that health maintenance organizations, or HMOs, are subject to the same provisions as authorized insurers regarding the voluntary termination of certificate of authority. The requirements of the Maine Revised Statutes, Title 24-A, section 415-A are made expressly applicable to HMOs with respect to a voluntary partial or total withdrawal from the market. The Superintendent of Insurance is permitted to require a withdrawing HMO to maintain its deposit after the HMO has withdrawn. Currently, it is unclear what processes and requirements would be applicable to an HMO that wishes to voluntarily surrender, or seek modification of, its certificate of authority. The requirements of section 415-A provide guidance as to what is required for these actions and clarify that any such proposal must be carried out pursuant to a plan approved by the superintendent.
2. It prohibits any provider who has rendered a covered service for an enrollee or subscriber of an insolvent HMO from billing the enrollees or subscribers for these services after a petition for liquidation has been filed. In this circumstance, the providers have to seek payment from the HMO or the receiver of the HMO. Claims for covered services incurred between the time a petition for liquidation is filed and the time coverage terminates may be paid by the receiver as costs of administration in a liquidation. It also

## ***Banking and Insurance***

clarifies that other provider claims for covered services fall within the same priority class as policyholder claims. In addition, if a receiver is unable to prorate a premium when coverage ceases under a liquidation, the receiver must return such an unearned premium to members or subscribers as a cost of administration.

3. It clarifies the appropriate calculation when determining the amount of required minimum surplus as a percentage of health care expenditures and the interrelationship of Title 24-A, chapter 79 and section 4204-A.
4. It clarifies that dividends payable by HMOs, for example, to a parent organization, are subject to the same standards and approval requirements as dividends paid by insurance companies.
5. It makes the receivership laws apply to all authorized HMOs, foreign and domestic.
6. It makes the requirements of the laws concerning bulk insurance and voluntary dissolution expressly applicable to HMOs.
7. It provides that in the continuation of coverage provisions after an HMO insolvency, the superintendent is permitted to take into account increased health care costs in considering replacement rates for multiple-year contracts. The superintendent is also permitted to equitably allocate groups of a withdrawing HMO to other HMOs operating in at least a portion of the same service area.

<b>PUBLIC 89</b>	<b>An Act to Amend the Standard Valuation Law for Life Insurance and to Restrict Limitation of Liability for Death by Suicide in Group Life Insurance Policies</b>	<b>LD 1152</b>
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<u>Sponsor(s)</u> DUDLEY DOUGLASS	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2001, chapter 89 amends the Standard Valuation Law for life insurance by clarifying the confidentiality provisions. It ensures the ability of the Superintendent of Insurance to maintain the confidentiality of sensitive regulatory information, while allowing the sharing of information with other state, federal and international regulators and law enforcement officials.

Public Law 2001, chapter 89 also requires group life insurance policies issued in the State to contain suicide exclusion clauses that are no more restrictive than clauses allowed under individual life insurance policies issued in the State. The provision would allow companies to exclude coverage for death by suicide occurring within 2 years from the date coverage commences or within 2 years of an increase in coverage but would prohibit an indefinite exclusion of coverage for death by suicide.

## ***Banking and Insurance***

### **PUBLIC 109     An Act to Clarify Mixed Automobile Insurance**

**LD 213**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON MAYO	OTP-AM	S-41

Public Law 2001, chapter 109 clarifies that uninsured motor vehicle coverage on commercial automobile insurance policies is not subject to the requirement for private passenger automobile insurance that uninsured coverage equal the limits for liability insurance on the policy unless the insured expressly rejects equal or higher limits of coverage. The law requires that commercial policies maintain uninsured motor vehicle coverage in an amount not less than the minimum limits for bodily injury liability pursuant to the Maine Revised Statutes, Title 29-A, section 1605, subsection 1.

### **PUBLIC 126     An Act Regarding Civil Actions Involving Insurance Coverage**

**LD 49**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W DOUGLASS	OTP-AM     MAJ ONTP     MIN	H-18

Public Law 2001, chapter 126 requires an insurer to pay costs and attorney's fees if the insured prevails in a declaratory judgment action to determine an insurer's contractual duty to defend the insured. It defines an insured as a natural person and excludes corporations, trusts, partnerships, incorporated or unincorporated associations and other legal entities from the definition of an insured. No right or cause of action is created or extended to 3rd-party claimants under an insurance policy and insureds are not permitted to assign any rights under a policy to any other person.

Public Law 2001, chapter 126 does not apply to life, health, workers' compensation, accidental injury, specified disease, hospital indemnity, disability income, Medicare supplement, long-term care or other limited benefit health insurance.

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### **PUBLIC 130     An Act to Create a Mandatory Automobile Insurance Premium Discount for Safe, Mature Drivers**

**LD 43**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO	ONTP     MAJ	H-19
MCALLEVEY	OTP-AM     MIN	

Public Law 2001, chapter 130 requires insurance companies to provide a driver 55 years of age or older an appropriate discount on premium charges if the insured successfully completes an accident prevention course approved by the Department of Public Safety, Bureau of Highway Safety. The law also allows an insurer to require that the insured or a member of the insured's household insured under the policy not be involved in an at-fault accident, not commit a moving violation and not be subject to a driver's license suspension for a 3-year period after the course is completed in order to maintain eligibility for the discount.

### **PUBLIC 138     An Act to Permit the Issuance of Certain Types of Consumer Credit Insurance**

**LD 1630**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	OTP-AM	S-89
SULLIVAN		

Public Law 2001, chapter 138 amends the Maine Revised Statutes, Title 24-A, Chapter 37 to permit the issuance of additional types of consumer credit insurance. Currently, chapter 37 only permits the issuance of credit life and credit accident and health insurance. The law extends the provisions of this chapter to expressly permit the issuance of and clarify the regulation of credit involuntary unemployment insurance and credit property insurance. The law exempts debt cancellation agreements and casualty insurance from the application of chapter 37 of the Maine Insurance Code.

Public Law 2001, chapter 138 also adds a new chapter 40-A to Title 24-A that expressly permits the issuance of the following types of property and casualty insurance on a group basis: credit involuntary unemployment insurance, credit property insurance and other types of insurance authorized to be issued on a group basis under rules adopted by the Superintendent of Insurance. Currently, it is unclear whether these types of insurance may be issued on a group basis. This law expressly permits the issuance of these products and provides regulatory protections for this insurance. It authorizes the superintendent to adopt rules regarding consumer credit insurance including the creation of rating standards. It also authorizes the superintendent to adopt rules to establish specific requirements for group

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property and casualty insurance policies and rates. The latter rules may also specify additional types of insurance that may be issued on a group basis.

### **PUBLIC 165      An Act to Modify the Bureau of Insurance Complaint Ratios LD 428 and to Increase the Amount of Penalties Assessed Against Violators of the Maine Insurance Code**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL LAFOUNTAIN	OTP-AM	H-199

Public Law 2001, chapter 165 eliminates the requirement that the Bureau of Insurance consider only defined "substantiated" complaints in calculating and publicizing complaint ratios that compare insurers by the number of written complaints received by the Bureau of Insurance proportionate to insurer market share by lines of business. Instead, the law clarifies that a "consumer complaint" is a written complaint that results in the need for the Bureau of Insurance to conduct further investigation or communicate in writing with a regulated entity for a response or resolution to the complaint. It also provides that future rules adopted by the Bureau related to complaint ratios are routine technical, rather than major substantive rules.

Public Law 2001, chapter 165 also increases the amount of penalties the Superintendent of Insurance may assess against corporations or other entities for violations of the insurance laws or rules from \$2,000 per violation to \$10,000 per violation.

### **PUBLIC 176      An Act to Eliminate the Requirement that Workers'      LD 688 Compensation Insurers Disclose Certain Cost Breakdowns When Issuing Workers' Compensation Policies**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON	OTP-AM	H-197

Public Law 2001, chapter 176 requires that workers' compensation insurers include detailed cost information with workers' compensation policies upon request from the employer.

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### **PUBLIC 182      An Act to Establish the Office of Securities within the Department of Professional and Financial Regulation**

**LD 593**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL DOUGLASS	OTP-AM	H-238

Public Law 2001, chapter 182 moves the Securities Division from the Bureau of Banking to a separate office within the Department of Professional and Financial Regulation to be known as the "Office of Securities." The Securities Administrator is appointed by the Commissioner of Professional and Financial Regulation for a term coterminous with the term of the Governor, and may be removed for cause. The administrator is given compensation commensurate with other agency heads within the Department of Professional and Financial Regulation and is given like authority to appoint and train personnel, cooperate and contract with other agencies and organize the Office of Securities. The administrator may also delegate the administrator's duties and authorities to senior office personnel. The substantive regulatory authority of the agency and the administrator remain unchanged.

### **PUBLIC 183      An Act to Amend the Revised Maine Securities Act**

**LD 1637**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON SULLIVAN	OTP-AM	S-88

Public Law 2001, chapter 183 amends the Revised Maine Securities Act in several respects.

Part A of the law defines "investment adviser representative" and requires investment adviser representatives to be licensed in the same manner as investment advisers. The licensing of investment adviser representatives allows the State to participate in a national investment adviser representative database to track and regulate these individuals for the protection of the public. Annual fees from license renewals of investment adviser representatives are dedicated revenue to support the activities of the Securities Administrator.

Part B of the law clarifies certain ambiguous language in the Revised Maine Securities Act. Part B updates a current securities exemption for companies where information about the company is publicly available through a nationally recognized securities manual. The exemption language proposed is model language recommended by the North American Securities Administrators Association. Part B updates the securities exemptions for certain domestic issuers so that they apply to limited partnerships and limited liability companies organized under the laws of this State or any issuer determined by the securities administrator to have its principal place of business in the State.

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### **PUBLIC 211     An Act to Amend the Maine Banking Code**

**LD 1729**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL LAFOUNTAIN	OTP-AM	H-247

Public Law 2001, chapter 211 makes several technical changes to the Banking Code.

1. It amends the confidential financial records law to specifically permit a financial institution to respond to a request from the Department of Labor.
2. It amends the current formula for assessments paid by nondepository trust companies, establishing a base rate that is consistent with assessments paid by depository institutions and the ability for the superintendent to change the rate or further define fiduciary assets under management through rulemaking.
3. It establishes an assessment to be paid by an uninsured bank or merchant bank to be consistent with the assessment paid by other state-chartered depository or nondepository institutions.
4. It removes the requirement that original signatures attesting to the condition and income reports be filed with the Department of Professional and Financial Regulation, Bureau of Banking.
5. It clarifies state law with respect to filing notice for use of restrictive terms such as "savings bank" or "trust and banking company."
6. It enacts a provision to recognize that financial institutions and credit unions now utilize the Internet to deliver products and services.
7. It repeals a provision that requires a financial institution to have a branch in the State in order to operate a satellite facility or an automated teller machine.
8. It corrects a reference to the abandoned property law.
9. It changes the notice requirement necessary for a financial institution to engage in a closely related activity or to have a subsidiary engage in a closely related activity from not later than 10 business days after consummating the transaction to at least 30 days prior to consummating the transaction. The law also gives the Superintendent of the Bureau of Banking the flexibility to require a full application in certain unique circumstances.
10. It clarifies banking law with respect to "unauthorized business."



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11. It realigns law relating to credit union field of membership to include nonnatural persons in a field of membership. Current law utilizes the term "limited members" in lieu of the term "nonnatural persons," which is used in the Federal Credit Union Act and implementing regulations. Also current state law places restrictions and limitations for limited members that are not imposed under federal law. The law establishes parity in this area.
12. It provides parity between state and federally chartered credit unions by clarifying state law as follows. It permits state chartered credit unions to accept deposits and shares of other federally insured credit unions. It alters the process and timing for verification of accounts. It removes outdated limitations on the sale of credit union assets.
13. It clarifies credit union merger and acquisition statutes to more closely parallel federal credit union law.
14. It clarifies the definition of "control" under bank holding company laws.
15. It makes technical changes to the application requirements for a financial institution holding company to engage in closely related activities.
16. It treats companies that own uninsured banks in the same fashion as companies that own merchant banks and nondepository trust companies with respect to the application of the Maine bank holding company laws.
17. It clarifies the Department of Professional and Financial Regulation, Bureau of Banking's examination authority with respect to bank or credit union affiliates and service corporations.

**PUBLIC 218     An Act to Define and Ensure Coverage of Basic Health     LD 968**  
**EMERGENCY   Services by Health Maintenance Organizations**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM     A	H-200
	OTP           B	
	ONTP          C	

Public Law 2001, chapter 218 specifies that future rules adopted by the Bureau of Insurance to define "basic health care services" provided by health maintenance organizations are major substantive rules and subject to legislative review before final adoption.

Public Law 2001, chapter 218 was enacted as an emergency measure effective May 18, 2001.

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### **PUBLIC 224      An Act to Clarify and Update the Security Requirements      LD 1402 for Employers Self-insured for Workers' Compensation Liabilities**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MATTHEWS EDMONDS	OTP-AM	H-246

Public Law 2001, chapter 224 changes the security and assessment provisions for self-insured employers in order to address financial risks currently borne by injured workers and self-insured employers as a result of the current structure of the Maine Self-Insurance Guarantee Association assessment mechanism.

The law changes the basis for calculating the minimum security requirements to an actuarially determined liability in place of the case reserves that are used under current law and limits the unsecured liability that may be authorized under the working capital offset to \$10,000,000, a level equal to 5 times the Maine Self-Insurance Guarantee Association funding cap. The law also authorizes the Maine Self-Insurance Guarantee Association to levy assessments in excess of the otherwise-applicable limits when necessary to avoid a default in benefit payments to injured workers.

### **PUBLIC 258      An Act to Clarify and Update the Laws Related to Health      LD 1742 Insurance Contracts**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN ABROMSON	OTP-AM	H-416

Public Law 2001, chapter 258 does the following.

Part A clarifies the requirement for coverage of newborns under maternity benefits by specifying that newborns are not subject to a separate deductible.

Part B gives the Superintendent of Insurance authority to waive the requirement that an insurer that exits the individual, small group or large group health insurance market in the State can not reenter for 5 years. It also gives the superintendent authority to waive the requirement that an insurer give a 3-month notice before ceasing to issue individual, small group or large group health insurance in the State.

Part C requires insurers to provide a certificate of creditable coverage to terminating insureds consistent with federal law.

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Part D conforms various definitions and other provisions to federal regulations adopted pursuant to the Health Insurance Accessibility and Accountability Act of 1996.

Part E clarifies several definitions and other provisions in the individual health insurance reform laws, the small group health insurance reform laws and the continuity of coverage laws.

Part F amends the laws pertaining to Medicare supplement policies. It allows rates for benefit components of one plan to be based on the average cost of that benefit component across all standardized plans. It restricts the ability of insurers to segregate insureds by health status through the use of association groups.

Part G corrects errors from a previous law.

Part H makes out-of-state blanket policies providing coverage in the State subject to the same filing requirements as out-of-state group policies.

Part I requires that the Bureau of Insurance provide information on the financial impact of a mandate on employers and on the potential cost-savings of a mandate and its effect on cost-shifting in the overall health care delivery system as part of its review and evaluation of proposed mandated health insurance benefits performed pursuant to Title 24-A, Maine Revised Statutes, section 2752.

### **PUBLIC 259      An Act to Adopt the National Association of Insurance      LD 1730 Commissioners' Model Insurance Producer Licensing Act**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO LAFOUNTAIN	OTP-AM	H-327

Public Law 2001, chapter 259 adopts the Producer Licensing Model Act of the National Association of Insurance Commissioners in order to help create a system of national reciprocity for insurance producer licensing, create uniform standards for key areas of producer licensing and preserve the authority of states to license insurance producers, under Federal Public Law 106-102, known as the Gramm-Leach-Bliley Act.

The model act is the result of an extensive initiative coordinated by the National Association of Insurance Commissioners, with the goal of achieving reciprocity among the states and uniformity as to key areas, regarding producer licensing. Adoption of such standards by a majority of the states is necessary to preserve their authority to license insurance producers.

The Gramm-Leach-Bliley Act's specific mandate is that a majority of the states must either enact uniform laws and regulations governing the licensing of individuals and entities authorized to sell and solicit the purchase of insurance within the states or achieve reciprocity

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regarding these issues. If states do not enact uniform laws and regulations or enact a system of reciprocal licensing by November 12, 2002, the National Association of Registered Agents and Brokers would be established to provide a mechanism through which uniform licensing, appointment, continuing education and other insurance producer sales qualification requirements and conditions would be adopted and applied on a multistate basis.

Public Law 2001, chapter 259 adopts the model act as a new subchapter in the Maine Revised Statutes, Title 24-A, chapter 16. It also revises corresponding provisions regarding adjuster and consultant licensing, to avoid having 2 licensing procedures in place, thereby maintaining internal uniformity as well. The law also reorganizes some of the structure of the existing Title 24-A, chapter 16, so that the flow of the process will remain logical with the addition of the new subchapter, and makes technical changes to existing law to ensure consistency with the model act.

### **PUBLIC 262      An Act to Conform the State's Financial Services Privacy      LD 1640 Laws with Federal Law**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM      MAJ	S-236
O'NEIL	OTP-AM      MIN	

Public Law 2001, chapter 262 amends the laws governing the various providers of financial services regulated by the Department of Professional and Financial Regulation to ensure that the laws governing the privacy of personal information furnished to those individuals or entities are consistent with the provisions of the federal Gramm-Leach-Bliley Act and the implementing regulations adopted by the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Federal Trade Commission and the Securities and Exchange Commission. The law further provides that if an entity is required under federal law to comply with the Gramm-Leach-Bliley Act and the implementing federal regulations and it fails to do so, that failure to comply is also a violation of state law, which the agencies within the Department of Professional and Financial Regulation may enforce.

Under Public Law 2001, chapter 262, providers of financial services regulated by the Department of Professional and Financial Regulation and required to comply with the federal Gramm-Leach-Bliley Act and the provisions of chapter 262 are governed by an "opt-out" standard for the disclosure of nonpublic personal information to non-affiliated third parties. Nonpublic personal information may be shared with non-affiliated third parties to the extent permitted by law unless the consumer affirmatively opts out. The law is not intended to permit the release of health care information except as allowed under current state law.

Part A amends the Maine Consumer Credit Code to require creditors other than financial institutions or credit unions to comply with the privacy provisions of the federal Gramm-

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Leach-Bliley Act and the implementing regulations adopted by the Federal Trade Commission. Failure to do so is a violation of the Maine Consumer Credit Code.

Part B amends the banking laws of the State to permit the sharing of information by financial institutions and credit unions authorized to do business in this State to the same extent permitted under the federal Gramm-Leach-Bliley Act. It also clarifies the law with respect to sharing consumer or commercial financial records between financial institutions, and with their subsidiaries and affiliates, as is the existing practice within the industry. It further provides that the failure to comply with the privacy provisions of the federal Gramm-Leach-Bliley Act and the applicable implementing federal regulations adopted by the federal banking regulators constitutes an anti-competitive or unfair practice. Part B also increases the penalties for intentional and knowing violations of the confidentiality provisions of Chapter 16 of the banking laws of the State and imposes liability upon the institution itself for such violations.

Part C amends the Maine Insurance Code to parallel the model privacy law adopted by the National Association of Insurance Commissioners and to authorize the Superintendent of Insurance to adopt rules governing the privacy of consumer information as is required by the federal Gramm-Leach-Bliley Act and provides that such rules are routine technical rules.

Part D amends the Revised Maine Securities Act to provide that the failure of a licensed broker-dealer, sales representative or investment adviser to comply with the privacy provisions of the federal Gramm-Leach-Bliley Act and the implementing regulations adopted by the United States Securities and Exchange Commission constitutes grounds for disciplinary action including license suspension or revocation.

Part E amends the statutes governing various other types of financial service providers such as check cashers and foreign currency exchangers, collection agencies and repossession companies, operators of cash dispensing machines, pawnbrokers and mortgage settlement agents to require these businesses to comply with the privacy requirements of the federal Gramm-Leach-Bliley Act when they meet the definition of "financial institution" under the regulations promulgated by the Federal Trade Commission.

Part F requires the Department of Professional and Financial Regulation to submit a report to the Joint Standing Committee on Banking and Insurance by January 15, 2002 on the status of privacy legislation and rules in other states in response to the federal Gramm-Leach-Bliley Act.

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### **PUBLIC 287      An Act to Update the Maine Consumer Credit Code Regarding Rental-purchase Agreements**

**LD 1156**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY	OTP-AM    MAJ OTP-AM    MIN	H-368

Public Law 2001, chapter 287 amends the provisions of the Maine Consumer Credit Code relating to rental-purchase agreements.

1. It clarifies the definition of "cash price" for items subject to a rental-purchase agreement. The "cash price" for new merchandise may not exceed the amount produced by multiplying the merchant cost by an applicable factor based on the type of merchandise. The "cash price" for used items may not exceed the maximum permitted cash price of the item when new and must be adjusted based on factors such as the duration of prior rentals, the item's repair history, whether the consumer price of the general class of item has decreased or increased since the item's purchase and the condition of the item.
2. It amends the disclosures required to be made to consumers in rental-purchase agreements.
3. It limits the consumer's liability for the property to the least of the fair market value, early purchase option price, remaining rent or repair costs.
4. It lengthens the time consumers have in which to reinstate the rental-purchase agreement.
5. It requires merchants to display a point-of-rental placard for any item offered for rental-purchase.
6. It tailors provisions of the Maine Fair Debt Collection Practices Act to rental-purchase agreements.

### **PUBLIC 288      An Act to Define "Medically Necessary Health Care" and Clarify its Application by Health Plans and Managed Care Plans**

**LD 251**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON ABROMSON	OTP-AM    MAJ ONTP       MIN	H-328

Public Law 2001, chapter 288 repeals the definitions of "medical necessity" and "medically appropriate health care" and replaces them with a definition of "medically necessary health

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care." The law clarifies that the term "medically necessary health care" is the standard used to govern review of medical issues in utilization review at all stages of review, including internal and external appeals and civil action.

### **PUBLIC 347     An Act to Ensure Access to Health Insurance**

**LD 1703**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY	OTP-AM     MAJ	H-370
ABROMSON	ONTP     MIN	

Public Law 2001, chapter 347 requires health carriers to offer policies providing coverage for domestic partners of health plan members under the same terms and conditions as coverage for spouses of health plan members. Carriers are required to make the offer of coverage to the individual or group policyholder, not to each member covered under a group policy. Under the law, the cost of providing the domestic partner benefits must be paid by the policyholder or member covered under the policy.

Further, the law allows carriers to negotiate policies providing domestic partner benefits that do not comply with the requirements of chapter 347 if the policyholder rejects the offer of coverage in accordance with chapter 347.

Public Law 2001, chapter 347 defines domestic partners as persons who have been legally domiciled with one another for at least 12 months, who are not legally married to or legally separated from another individual, who are mentally competent and who are each other's sole domestic partner and intend to remain so. The law allows carriers to require domestic partners to sign an affidavit attesting that the definition of domestic partner has been met as a condition providing the benefit. The law prohibits a health plan member from enrolling another domestic partner until at least 12 months after terminating a prior domestic partner relationship.

Public Law 2001, chapter 347 requires that carriers make the offer of coverage for domestic partner benefits in all individual and group policies issued or renewed on or after January 1, 2002.

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**PUBLIC 350      An Act to Eliminate Maine Employers' Mutual      LD 599**  
**Insurance Company Industry and Geographic Divisions**  
**and Related Advisory Boards and Other Outdated**  
**Provisions**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM	H-198
LAFOUNTAIN		H-266 O'NEIL

Public Law 2001, chapter 350 updates the charter of the Maine Employers' Mutual Insurance Company, or MEMIC. The law eliminates MEMIC industry or geographic divisions and their advisory boards because of the substantially diminished role such divisions and boards play in the operation of MEMIC. It also eliminates certain funding and accounting language rendered obsolete since the Superintendent of Insurance certified the company as having adequate surplus. It preserves the high-risk division as a separate program subject to standards that previously applied to the high-risk division.

**PUBLIC 369      An Act to Encourage the Creation of an Alliance for the      LD 204**  
**Purpose of Purchasing Health Insurance**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	OTP-AM	H-587
KILKELLY		

Public Law 2001, chapter 369 eliminates the requirement that a voluntary private purchasing alliance offer at least 3 different carriers through the alliance. The law also allows a given benefit plan that offers services through a preferred provider arrangement to have a benefit differential that exceeds 20% for services rendered by preferred and nonpreferred providers if the superintendent waives the requirement.

**PUBLIC 371      An Act to Amend Maine Credit Laws      LD 1736**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM    MAJ	H-275
DOUGLASS	OTP-AM    MIN	

Public Law 2001, chapter 371 amends various laws administered by the Office of Consumer Credit Regulation. The law clarifies that transactions entered into following electronic mail solicitations by lenders and creditors are subject to the Maine Consumer Credit Code. It excludes limited-purpose financial institutions from certain provisions of the Maine



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Consumer Credit Code. The law grants to the Director of the Office of Consumer Credit Regulation the power to issue a temporary order suspending the license of a supervised lender under circumstances in which delaying such an order would result in harm to consumers.

Public Law 2001, chapter 371 also clarifies that the Maine Consumer Credit Code applies to home equity loans with a finance charge that does not exceed 12 1/4% made by banks and credit unions on or after January 1, 2002. Current law applies to home equity loans made by mortgage companies.

### **PUBLIC 400      An Act to Create Uniform Underwriting Standards for      LD 1217 Determining Eligibility for Certain Group Policies**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT BERRY R	OTP-AM	S-270

Public Law 2001, chapter 400 establishes criteria for determining when an employer qualifies as an eligible group for 2-person group health insurance coverage. The eligibility criteria apply to those employers applying for 2-person group coverage on or after October 1, 2001.

### **PUBLIC 408      An Act Concerning Patient Access to Eye Care      LD 323 Providers**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN MAYO	OTP-AM    MAJ ONTP        MIN	S-269

Public Law 2001, chapter 408 requires health insurance carriers that provide coverage for eye care services to allow enrollees to self-refer for a maximum of 2 visits for each occurrence requiring eye care services from an eye care provider participating in the carrier's health plans. Eye care services are defined as those urgent health care services related to the examination, diagnosis, treatment and management of conditions, illnesses and diseases of the eye that if not treated within 24 hours present a serious risk of harm.

Public Law 2001, chapter 408 applies to all policies, contracts and certificates issued or renewed on or after January 1, 2002.

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### **PUBLIC 410     An Act to Address Issues in the Maine Health Insurance Market**

**LD 1745**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON	OTP-AM     MAJ OTP-AM     MIN	S-274

Public Law 2001, chapter 410 amends the individual and small group health insurance laws.

In Part A, Public Law 2001, chapter 410 allows carriers to vary premium rates in the individual and small group markets based on smoking status outside of the prescribed community rating bands. The law also eliminates the requirement for carriers to offer standardized plans in the small group market.

In Part B, Public Law 2001, chapter 410 requires insurers to provide loss information in aggregate form to group policyholders upon written request within 21 business days of the request. Under current law, insurers are required to provide the information upon request 60 days prior to renewal of the policy and again 6 months from the date the policy becomes effective.

The law makes health maintenance organizations subject to the same continuity of coverage requirements currently applicable to indemnity coverage. And it clarifies that the general penalty provisions of the Maine Insurance Code apply to health maintenance organizations.

The law establishes standards applicable to health insurance policies that limit payment of claims for covered services based on a determination of "usual, customary and reasonable" charges. It requires disclosure to insureds that they may be subject to balance billing, requires carriers to give insureds the opportunity to request a carrier's UCR rate for a given procedure, requires disclosure of a carrier's methodology and specific data used to calculate UCR for a given claim and limits a carrier's ability to apply UCR in the absence of creditable supporting data.

Part B of Public Law 2001, chapter 410 also requires utilization review entities to advise whether or not the service reviewed for medical necessity is a covered service under the health policy or contract at issue.

The law also permits those who lose eligibility for the low-cost drugs for the elderly or disabled program to purchase a Medicare supplement policy with prescription drug benefits and clarifies that Medicare supplement coverage with prescription drug benefits may not affect eligibility for coverage under the low-cost drugs for the elderly or disabled program if the individual no longer has Medicare supplement coverage with prescription drug benefits at the time of reapplication for the program.

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In Part C, Public Law 2001, chapter 410 creates a new chapter of the Maine Insurance Code to standardize and simplify the terms and coverages of individual and group health insurance. The law is intended to facilitate public understanding and enable comparison among insurance policies. It also gives authority to the Superintendent of Insurance to adopt rules relating to the required disclosures in the sale of health insurance policies and designates those rules as major substantive rules subject to legislative review before final adoption.

<b>PUBLIC 423</b>	<b>An Act to Provide Health Insurance Coverage for General Anesthesia and Associated Facility Charges for Dental Procedures for Certain Vulnerable Persons</b>	<b>LD 403</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON SCHNEIDER	OTP-AM    MAJ ONTP        MIN	S-300

Public Law 2001, chapter 423 requires that health insurers and health maintenance organizations provide coverage for general anesthesia and associated facility charges for dental procedures rendered in a hospital for certain eligible enrollees, including persons with developmental disabilities and persons whose health is compromised and for whom general anesthesia is medically necessary. The law does not require coverage for charges for the dental procedure itself, including, but not limited to, the professional fee of the dentist.

Public Law 2001, chapter 423 applies to all policies, contracts and certificates issued or renewed on or after January 1, 2002.

<b>PUBLIC 432</b>	<b>An Act to Protect Nongroup and Small Group Insureds</b>	<b>LD 984</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM	H-617 H-688    O'NEIL

Public Law 2001, chapter 432 requires that carriers provide a minimum of 60 days' notice prior to a rate filing or rate increase in individual and group health insurance.

Carriers offering individual health plans are required to provide written notice by first class mail of any proposed increase or change in a proposed rating formula, classification of risks or modification of any proposed rating formula or classification of risks. Individual carriers must also provide notice to policyholders of their right to request a hearing on the proposed rate filing or rate increase as provided under the Maine Insurance Code. Carriers offering group health insurance, except for accidental injury, specified disease, hospital indemnity, disability income, Medicare supplement, long-term care or other limited benefit health insurance, are required only to provide notice of a proposed rate increase. Individual and

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group health insurance carriers are also required to disclose any anticipated rate increase within 90 days when quoting rates for new business.

Public Law 2001, chapter 432 also retains current law governing special rate hearings on individual health plans.

### **RESOLVE 69    Resolve, To Require Further Study of the Effect and Cost    LD 1821 EMERGENCY    Impact of Mental Illness on the State and Private Health Insurance**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	H-684 DUDLEY S-383 GOLDTHWAIT

Resolve 2001, chapter 69 was reported out of committee pursuant to joint order. The resolve requires the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Human Services and the Department of Corrections to study the cost savings to the state budget that may result from legislation requiring parity coverage for mental illness and mental disorders, eating disorders and substance abuse. The resolve also requires the Department of Professional and Financial Regulation, Bureau of Insurance to collect information relating to the denial of claims for coverage of mental illness from January 1, 1999 through June 30, 2001. The resolve requires the Bureau of Insurance to compile this information on cost savings and claims denials in a report to the Joint Standing Committee on Banking and Insurance by January 15, 2002.

Resolve 2001, chapter 69 was passed as an emergency measure effective June 28, 2001.

### **PASSED            JOINT RESOLUTION - Memorializing the Congress            HP 1153 of the United States to Allow Improved Medicare Supplement Insurance Policies Offering Prescription Drug Coverage**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN	OTP	

Joint Resolution HP 1153 petitions the Congress of the United States to change federal rules and regulations to allow the development of Medicare supplement insurance policies offering greater prescription drug coverage than currently available under the federally-regulated uniform A-J Medicare supplement insurance policies.

## ***Business & Economic Development***

**PUBLIC 90      An Act to Clarify the Use of the Municipal Investment Trust Fund      LD 669**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH COWGER	OTP-AM	S-52

Public Law 2001, chapter 90 repeals the current definition of a service center in Title 30-A, section 4349-A of the Maine Revised Statutes and requires that the State Planning Office develop a definition of “service center community” using a methodology established by major substantive rule that includes 4 basic criteria. The law also clarifies that public service infrastructure includes streetscape improvements that are critical to the "livability" of communities and the hardware necessary to support the development and operation of geographic information systems. It also clarifies that the highest priority for use of trust funds is service centers and prioritizes preferences for grant awards from the Municipal Investment Trust Fund. The law also amends Title 30-A, section 5953-D to add to the list of municipalities eligible to receive a loan from the Municipal Investment Trust Fund a municipality that has been designated a service center community.

**PUBLIC 95      An Act to Revise the Maine Science and Technology Foundation's Charter and Revise the Charter of the Centers for Innovation      LD 1463**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TESSIER GAGNON	OTP-AM	H-188

Public Law 2001, chapter 95 eliminates reference to the Centers for Innovation from the charter of the Maine Science and Technology Foundation. The law also updates the MSTF charter to include duties involving the Maine Technology Capacity Fund. It also revises the Centers for Innovation Program and establishes the program in its own chapter in the Maine Revised Statutes. It also preserves the sales tax exemption for the Centers for Innovation that has been available to them as subsidiary entities of the Maine Science and Technology Foundation.

## *Business and Economic Development*

### **PUBLIC 96      An Act to Establish the Maine Regulatory Fairness Board      LD 990**

<u>Sponsor(s)</u> KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-57
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Public Law 2001, chapter 96 establishes the 5-member Maine Regulatory Fairness Board. Among the duties of this advisory board are to take testimony concerning, and to report to the Legislature and the Governor at least annually on, regulatory and statutory changes necessary to enhance the State's business climate. The law requires the Governor to attempt to ensure regional representation on the board and that the board hold at least 2 meetings annually. The law also requires the State Planning Office to provide technical support to the board.

### **PUBLIC 142      An Act to Amend the Laws Pertaining to the Maine Small Business Commission      LD 1634**

<u>Sponsor(s)</u> SHOREY BRYANT	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2001, chapter 142 requires the Maine Small Business Commission to evaluate entrepreneurial programs as part of its duties and requires the commission to advise the Commissioner of Economic and Community Development to assist in developing and implementing statewide strategies and policies as they relate to encouraging economic development by developing entrepreneurial businesses around the State. The law also increases the number of members of the commission from 3 to 7.

### **PUBLIC 166      An Act to Amend the Maine Athletic Commission Laws      LD 1723 EMERGENCY**

<u>Sponsor(s)</u> SHOREY RICHARDSON	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2001, chapter 166 amends the laws regarding the Maine Athletic Commission by authorizing the commission to license and regulate professional wrestlers in the interest of public safety, reduces the gate tax on gate receipts from 15% per event to 5% per event and specifies the contents of reports of events filed by commissioners with the Department of Professional and Financial Regulation. In addition, the bill prohibits so-called "toughman," "badman" and "ultimate fighting" matches and events.

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Public Law 2001, chapter 166 was enacted as an emergency measure effective May 15, 2001.

**PUBLIC 167      An Act to Allow the Agencies of the Department of      LD 487**  
**Professional and Financial Regulation to Revoke**  
**Professional and Occupational Licenses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE SHOREY	OTP-AM	H-206

Public Law 2001, chapter 167 authorizes the agencies and professional and occupational licensing boards within or affiliated with the Department of Professional and Financial Regulation to revoke licenses and registrations issued by the respective boards. This Public Law also provides that an appeal from any nonconsensual revocation of an occupational or professional license may be heard de novo exclusively in the District Court.

**PUBLIC 169      An Act Concerning the State Board of Funeral Service      LD 480**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY	OTP-AM	H-187

Public Law 2001, chapter 169 clarifies the jurisdiction of the State Board of Funeral Service to include only funeral services, excluding services provided by cemeteries, crematoriums, mausoleums or columbariums. This Public Law also clarifies that the practice of funeral services does not include the transportation of human remains by an authorized person.

**PUBLIC 178      An Act to Require Elevators Installed during New      LD 65**  
**Construction be Large enough to Accommodate**  
**Ambulance Stretchers**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP-AM	H-105

Public Law 2001, chapter 178 provides that whenever plans for the construction of a new multi-story building or for a new addition to an existing multi-story building that extends beyond the original exterior walls include the installation of a passenger elevator, the elevator must be large enough to accommodate an ambulance stretcher in a fully supine position. This requirement applies to buildings that house private or nonprofit entities that serve the

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public or are places of public accommodation constructed after January 1, 2002 and excludes buildings owned by a local unit of government.

### **PUBLIC 193      An Act to Foster the Survival of Maine Small Businesses in      LD 815 Snowmobile and ATV Sales**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P MENDROS	OTP-AM	S-104

Public Law 2001, chapter 193 provides definitions for both "new snowmobile" and "new all-terrain vehicle." It also makes it illegal for a person who does not have both a franchise agreement with a manufacturer and a dealer's license to sell more than 2 new snowmobiles or 2 new all-terrain vehicles per year. The law also establishes that an unlawful sale of a snowmobile or ATV may result in a civil forfeiture of not less than \$500 and a civil penalty of not more than \$5,000.

### **PUBLIC 194      An Act Relating to the Office of Substance Abuse      LD 1320**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY BLANCHETTE	OTP-AM	S-120

Public Law 2001, chapter 194 requires that the Director of the Office of Substance Abuse report directly to the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services and removes the requirement that the appointment of a director be reviewed by the joint standing committee of the Legislature having jurisdiction over human resource matters prior to that director taking office.

### **PUBLIC 196      An Act to Clarify the Maine Biomedical Research      LD 1710 Program**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT HONEY	OTP-AM	S-121

Public Law 2001, chapter 196 makes several changes to the law governing eligibility for receiving funds from the Maine Biomedical Research Program. It clarifies that eligible institutions for purposes of receiving funds from the Maine Biomedical Research Program



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consist of nonprofit biomedical research institutions, academic medical centers or medical schools.

The law also defines specified grant sources to include federal agencies, nonprofit foundations, private corporations or out-of-state educational institutions that issue grants or contracts for peer-reviewed biomedical research where the grantee retains complete editorial control over the content of the research performed.

The law defines "private nonprofit biomedical research institution." The definition is based upon that used by the Association of Independent Research Institutions. The law also defines "academic medical center" based upon the definition used by the Alliance of Independent Academic Medical Centers. The law also defines "medical school" for the purposes of clarifying eligibility requirements to receive grants.

The law establishes the Maine Biomedical Research Board. It transfers to that board from the Department of Economic and Community Development the administration of the Maine Biomedical Research Fund. The law authorizes the Maine Biomedical Research Board to contract with the Maine Technology Institute for such assistance as the board may require.

PL 2001, chapter 196 declares that the purpose of the biomedical Research Program is to promote economic development and jobs in the State, and that the primary means for doing so is to make investments in institutions with a track record of attracting biomedical research funds to the State. A secondary purpose of the program is to provide incentives for small biomedical research institutions to grow.

The law generalizes the scope of biomedical research to include all diseases and biomedical mechanisms.

The law also amends the application procedure to incorporate the amended definition of specified grant sources, and clarifies that the allocation of funds to eligible institutions must be based on the funding that the institution has received or expended for the purpose of producing peer-reviewed biomedical research in on-site, "wetbench" laboratories in this State.

PL 2001, chapter 196 also amends the section of the law pertaining to allocation of funds to incorporate the amended definition of specified grant sources. It states that the allocation formula must provide smaller institutions with an incentive to grow. It also repeals the minimum funding allocation provision.

The law also provides that rules adopted by the Department of Economic and Community Development to implement the Maine Biomedical Research Program are routine technical rules.

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### **PUBLIC 209     An Act to Safeguard Production of Groundwater EMERGENCY**

**LD 1012**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J CLOUGH	OTP-AM	S-119

Public Law 2001, chapter 209 changes the name of the Maine Water Well Drilling Program to the Maine Water Well Program and the name of the Maine Water Well Drilling Commission to the Maine Water Well Commission. This Public Law also places the repair or replacement of a pump in a well under the jurisdiction of the Maine Water Well Commission and clarifies that a person need not be licensed to remove and replace an existing pump for the purpose of well inspection or to test a pump if the pump and electrical system are not being modified. Additionally, this law establishes the categories of apprentice pump installer, journeyman pump installer and master pump installer and gives the Maine Water Well Commission the duty to license well drilling companies and pump installation companies.

Public Law 2001, chapter 209 was enacted as an emergency measure effective on May 18, 2001.

### **PUBLIC 210     An Act to Prohibit Negative Option Sales Without a Consumer's Express Agreement**

**LD 1092**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY RICHARDSON	OTP-AM	S-106

Public Law 2001, chapter 210 prohibits a merchant from charging a consumer for goods or services agreed to by telephone after the trial period without the expressed agreement of the consumer to be charged for those goods or services if the consumer did not cancel the sale during the trial period. This Public Law also provides that at least 15 days prior to any charge, or 10 days prior to charging the consumer if the services or goods are physically delivered to the consumer on at least a weekly basis, the merchant must provide the consumer with a detailed written description of the sales agreement including the process by which the consumer can cancel the agreement, and the calendar date when the consumer will be charged for the sale unless the consumer cancels the sale.

This Public Law was amended by the Errors Bill (LD 30), sections E-1 and E-2. The amended law strikes a requirement in chapter 210 that the merchant provide the consumer a written description of the good or service for which the consumer will be charged on a weekly or more frequent basis within 10 days of the good or service being physically

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delivered to the consumer. The Errors Bill also establishes limitations on the application of Title 10, Maine Revised Statutes section 1210.

### **PUBLIC 214     An Act to Protect the Privacy of Maine Physicians**

**LD 336**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY BRUNO	OTP-AM	S-118

Public Law 2001, chapter 214 protects the privacy of physicians in the State by preventing the Board of Licensure in Medicine and the Board of Osteopathic Licensure from disclosing to the public certain personal information. This Public Law allows the Board of Licensure in Medicine and the Board of Osteopathic Licensure to share an applicant's or licensee's personal address and telephone number with governmental licensing or disciplinary authorities or any health care providers that are concerned with regulating a physician's employment or privileges. This law also provides that personal health information submitted, as part of an application is confidential but can be shared with other appropriate regulatory entities.

### **PUBLIC 215     An Act to Amend the Rule-making Process Regarding the EMERGENCY State's Plumbing Code**

**LD 249**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOBIN D TURNER	OTP-AM	H-222

Public Law 2001, chapter 215 changes the Plumbers' Examining Board's authority to adopt a state plumbing code by designating the adoption of a new plumbing code as a major substantive rule that must receive the affirmative action of the Legislature before adoption. This Public Law also provides that all subsequent technical changes to the plumbing code are routine technical rules.

Public Law 2001, chapter 215 was enacted as an emergency measure effective May 18, 2001.

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### **PUBLIC 246     An Act to Amend the Personal Sports Mobile Franchise Law**

**LD 1688**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND	OTP-AM	S-140

Public Law 2001, chapter 246 requires that, prior to filing any court action against a franchiser related to establishing or relocating a personal sports mobile dealership, a franchisee must serve the franchiser with a written demand for non-binding mediation to be conducted in this State. The law also suspends the application of any statute of limitations for the 60-day period in which the non-binding mediation is to occur and prevents a franchiser from establishing a new or relocating an existing personal sports mobile dealership in the relevant market during that same period. The law also requires the court to award attorney's fees and costs to the franchisee or dealer in any court action related to an unfair method of competition, an unfair or deceptive act or violation of the laws governing personal sports mobiles in which a franchisee or dealer prevails.

### **PUBLIC 256     An Act Concerning Motor Vehicle Dealer Sale Practices**

**LD 1117**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON	OTP-AM	H-324

Public Law 2001, chapter 256 requires a motor vehicle dealer to disclose to the buyer, both at the time of the purchase of a new or used vehicle and at the time of cancellation of a sale, that if financing can not be obtained on the terms agreed to in the sales contract, then the dealer must reimburse the consumer for the vehicle purchase price, or for lease payments made in the case of a lease, and all other charges pertinent to the sale and must return the vehicle traded in or the value of the traded-in vehicle as established in the contract in the event the vehicle is no longer available.

### **PUBLIC 257     An Act to Authorize the Maine State Housing Authority EMERGENCY to Administer an Electric Assistance Program**

**LD 932**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	OTP-AM	H-361

Public Law 2001, chapter 257 requires the Maine State Housing Authority to administer the electric assistance program established by the Public Utilities Commission to provide electric assistance to low-income households. The law requires MSHA to report annually to the Public Utilities Commission information to determine the amount of funding necessary for

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the program. It also authorizes the authority to adopt routine technical rules to implement the program. The law establishes the sources of funds for the program as funds collected by an electric utility as determined by the commission pursuant to section 3214 of Title 35-A of the Maine Revised Statutes, all funds appropriated by the State for the fund, all interest and dividends from the investment of money in the fund, and any other money deposited in the fund to implement the program. The law also allows MSHA to use the fund to cover administrative and operational expenses related to the program subject to the approval of the commission.

Public Law 2001, chapter 257 was enacted as an emergency measure effective May 25, 2001.

### **PUBLIC 260      An Act to Clarify Certain Professional and Occupational      LD 1738 Licensing Requirements**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLOUGH SHOREY	OTP-AM	H-397

Public Law 2001, chapter 260 clarifies licensing requirements for certain professions and occupations.

Part A of the law clarifies the definition of "installation" of manufactured housing. Part B of the law amends the law governing the membership of the Board of Dental Examiners to make the denturist position, which expired on January 1, 2001, a permanent position. Part B also amends the laws governing licensure by endorsement for dentists and denturists by reducing the active practice requirement from 5 years to 3 years. Part C of the law amends the law concerning hearing aid dealer-licensees by requiring that the notice provided by the dealer-licensee to the purchaser indicate that a full refund of the purchase price, less the reasonable price of the ear mold or molds and lab fees, be made to the purchaser if the purchaser returns the hearing aid within the 30-day trial period following the sale. Part D of the law amends current law governing the profession of nursing to permit recent nursing school graduates to practice under the on-site delegation and supervision of a registered professional nurse in order to assist these graduates in attaining training and to help alleviate the current nursing shortage faced in this State. Part D also provides the State Board of Nursing with the authority to appoint a subcommittee to hold informal conferences and enter into consent agreements in disciplinary matters. Part E of the law amends the Oil and Solid Fuel Board laws to rename the journeyman solid fuel license for the progression to master solid fuel license because there is not such a journeyman license. It also eliminates the board member position reserved for a manufacturer, importer or wholesaler of oil-burning equipment. Part F of the law clarifies the intended effect of a change in the Board of Accountancy law. The amended language clarifies that all partners, officers, shareholders, members or managers whose principal place of business is in the State, or who perform professional services in Maine must be licensed by the Board of Accountancy. A corresponding change in the Maine Professional Service Corporation Act allows for a

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licensed certified public accountant to form corporations with nonlicensed individuals, provided a simple majority of shareholders in a public accounting firm are licensed by the Board of Accountancy. Part G of the law makes a necessary correction that resulted when Public Law 1999, chapter 386, Part U, section 3 reduced the required hours for licensure as an aesthetician. At that time, the minimum number of base hours for students to attend an aesthetics program either in a school setting or as a trainee was not adjusted accordingly. PL 2001, chapter 260 makes the corresponding adjustment. Finally, Part H of the law authorizes the Board of Licensure in Medicine to delegate approval of applications for licensure and renewal to the board's staff. Licensing decisions by staff may be appealed to the full board.

### **PUBLIC 261      An Act to Amend the Forester Licensing Law**

**LD 1737**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON SHOREY	OTP-AM	H-396

Public Law 2001, chapter 261 changes the current methods to qualify for licensure as a forester or intern forester and clarifies the definition of certain terms, Board of Licensure of Foresters authority and standards of practice. In addition, the law defines the scope of practice for foresters and intern foresters. It also authorizes the board to grant a variance to an applicant for an intern forester license who does not hold a college degree. PL 2001, chapter 261 requires the Board of Licensure of Foresters to adopt rules for the granting of such a variance and designates those rules as major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A. The law also specifies that the rules adopted by the board governing the registration of foresters who supervise intern foresters are major substantive rules. The law includes a transition provision for license applicants who are in the process of applying for a license under the provisions of the Maine Revised Statutes, Title 32, chapter 75. Finally, the law prohibits the Board of Licensure of Foresters from adopting rules governing forest practices.

### **PUBLIC 285      An Act to Allow Boards of Professions to Grant Hardship Deferments**

**LD 1674**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH	OTP-AM    MAJ ONTP        MIN	H-325

Public Law 2001, chapter 285 allows a licensing authority under the jurisdiction of the Department of Professional and Financial Regulation to grant hardship deferments for continuing education requirements.

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### **PUBLIC 298      An Act to Amend the Licensing Provisions for Private      LD 519** **Investigators**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIZMAR	OTP-AM	H-186
MARTIN		H-430 RICHARDSON

Public Law 2001, chapter 298 provides that the Commissioner of Public Safety has authority to appoint a designee to deal with private investigator licensing matters and that the commissioner must provide notice and opportunity for hearing if there are grounds to refuse to issue or renew a private investigator license. This Public Law also requires investigative assistants to obtain 1,700 hours of employment as an investigative assistant before being eligible to be licensed as a private investigator and further requires that those hours be accomplished within 2 years after the date of issuance of the investigative assistant license but no earlier than one year after the date of issuance.

### **PUBLIC 316      An Act to Change Certain Educational Requirements for      LD 987** **Licensed Social Workers**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESMOND	OTP-AM	H-466

Public Law 2001, chapter 316 provides that a person must hold a bachelor's degree in social work or social welfare before being eligible to be licensed as a social worker unless that person was licensed as a social worker or holds a licensed social worker conditional license prior to June 30, 2002. The law also allows a licensed social worker with 2 instead of 5 years of experience to enter into consultation with a licensure candidate.

### **PUBLIC 323      An Act Relating to Licensing Board Fee Caps      LD 1718**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON	OTP-AM	H-326
SHOREY		H-407 RICHARDSON

Public Law 2001, chapter 323 establishes fee caps for the Charitable Solicitations Act and the massage therapists licensure law and raises existing fee caps for the Nursing Home Administrators Licensing Board, the Board of Licensing of Auctioneers, the Electricians' Examining Board, the Board of Hearing Aid Dealers and Fitters, the State Board of Examiners of Psychologists, the Radiologic Technology Board of Examiners and the Board of Boilers and Pressure Vessels. Consistent with Public Law 1999, chapter 685 and Public

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Law 1999, chapter 687, Part C, section 6, the law shifts the fee-making authority for the licensing boards identified above from the boards to the Director of the Office of Licensing and Registration within the Department of Professional and Financial Regulation. The law also requires the Director of Licensing and Registration within the Department of Professional and Financial Regulation to provide reasonable notice to the affected board of any fee change proposed by rule. PL 2001, chapter 323 also establishes a reporting requirement to the Legislature by the director regarding fees and fee caps.

**PUBLIC 324      An Act to Consolidate the Laws Regulating  
Transient Sellers and Door-to-door Home Repair  
Transient Sellers**

**LD 1305**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLOUGH SHOREY	OTP	

Public Law 2001, chapter 324 consolidates laws pertaining to transient sellers into the laws governing door-to-door home repair transient sellers for ease of administration. It repeals the Maine Revised Statutes, Title 32, chapter 69-A and incorporates provisions from that chapter into Title 32, chapter 128, subchapter II. In addition, the law clarifies that the registration requirement for door-to-door home repair sellers is in addition to the licensure requirements for a trade, occupation or profession for which a license is required.

PL 2001, chapter 324 also clarifies that investment securities that are registered, or exempt from registration, under the Revised Maine Securities Act, Maine Revised Statutes, Title 32, chapter 105 are excluded from the definition of merchandise because they are subject to regulation by the Maine Securities Division and the Securities and Exchange Commission.

**PUBLIC 337      An Act to Improve the Licensing and Regulation of  
Denturists**

**LD 1639**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH STANLEY	OTP-AM	S-204

Public Law 2001, chapter 337 makes two changes in the laws governing the practice of denturism. Specifically, the law authorizes denturists to become shareholders in dental practices providing that at no time a denturist or denturists in sum have an equal or greater ownership interest in a dental practice than the dentist or dentists have in that practice. The law also eliminates the requirement that denturists obtain oral health certification from a dentist prior to practicing denturism on a person.



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### **PUBLIC 417     An Act to Amend the Finance Authority of Maine Act**

**LD 1694**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL KILKELLY	OTP-AM	H-467 S-325 GOLDTHWAIT

Public Law 2001, chapter 417 amends the Finance Authority of Maine Act by modifying the definition of a major business expansion project to include the development of new systems. The law updates the names of the authority's divisions and combines Finance Authority of Maine's 2 business assistance divisions into one division for administrative purposes. It also removes references to the Maine Education Assistance Board, an advisory board to the authority repealed by this bill, and replaces the positions on the Finance Authority of Maine board held by members of the Maine Education Assistance Board with an individual knowledgeable in the field of student financial assistance and an individual generally knowledgeable in the field of higher education. The law also updates the list of the higher education assistance programs managed by the Finance Authority of Maine. It also amends the loan amount that may be advanced against other eligible collateral when the authority insures a loan.

PL 2001, chapter 417 clarifies the requirement that a community development organization must authorize the deposit of matching funds into a family development account, removes a requirement that a financial institution obtain a cosignature before allowing a withdrawal of funds from a family development account and creates a requirement that information on accounts must be provided to the community development organization that is sponsoring the account. It also reduces the membership of the Advisory Committee on Family Development Accounts. The law also repeals the provisions naming 2 individuals from the Maine Education Assistance Board to the Advisory Committee on College Savings, replaces one member formerly named from the Maine Education Assistance Board with an individual with knowledge of higher education financial assistance, replaces the other individual with an at-large member and staggers the terms of the new members.

The law modifies the membership of the Advisory Committee on Medical Education to remove representation by organizations that no longer exist and to widen the pool of potential candidates for participation in the program to allow former participants to serve on the committee. It also changes the status of 6 members from nonvoting to voting.

Finally, the law makes several technical changes and corrections to the Finance Authority of Maine Act.

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### **PUBLIC 451      An Act Concerning the Training of Personnel Who Administer Medications in Schools**

**LD 758**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON	OTP-AM      MAJ	S-346 CONFERENCE
EDMONDS	ONTP      MIN	COMMITTEE

Public Law 2001, chapter 451 amends the current law that requires the Commissioner of Education to adopt rules for administration of medication in schools, including the training of unlicensed personnel who administer medication. The law requires the commissioner to describe how the department will provide training directly to such personnel at the local level. It also amends current law to make the rules developed for the administration of medication in schools major substantive rules. Finally, the law requires the commissioner to submit the provisionally adopted rules to the Joint Standing Committee on Business and Economic Development by February 28, 2002.

### **P & S 9      An Act to Reallocate a Portion of the Calendar Year EMERGENCY 1999 Allocation of State Ceiling**

**LD 668**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY	OTP	

Private and Special Law 2001, chapter 9 reallocates the \$10,000,000 of the state ceiling on private activity bonds for calendar year 1999 originally allocated to the Finance Authority of Maine and reallocated to the Maine Educational Loan Authority by the 119<sup>th</sup> Legislature, back to the Finance Authority of Maine to be used for educational loans.

Private and Special Law 2001, chapter 9 was enacted as an emergency measure effective April 11, 2001.

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**P & S 14**      **An Act to Provide for the 2001 and 2002 Allocations**      **LD 1680**  
**EMERGENCY**   **of the State Ceiling on Private Activity Bonds**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON	OTP	

Private and Special Law 2001, chapter 14 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2001 and 2002. Under federal law, a maximum of \$187,500,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2001 and a maximum of \$225,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2002. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Private and Special Law 2001, chapter 14 was enacted as an emergency measure effective May 8, 2001.

**RESOLVE 2**    Resolve, Regarding Legislative Review of Chapter 11: Rules for LD 161  
**EMERGENCY**   the Maine Biomedical Research Program, a Major Substantive  
Rule of the Department of Economic and Community  
Development

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON	OTP	

Resolve 2001, chapter 2 authorizes final adoption of Chapter 11: Rules for the Maine Biomedical Research Program, a major substantive rule of the Department of Economic and Community Development.

Resolve 2001, chapter 2 was passed as an emergency measure effective March 30, 2001.

## *Business and Economic Development*

**RESOLVE 30    Resolve, to Study the Statutes Pertaining to Funeral Homes, LD 1357  
Crematories and Cemeteries**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT	OTP-AM	S-86
MAYO		H-248 RICHARDSON

Resolves 2001, chapter 30 directs the Department of Professional and Financial Regulation, the Department of Human Services and the Department of Environmental Protection to create a working group to review the laws pertaining to crematories and cemeteries and, where related, funeral homes. This resolve provides for the membership of the working group, limits the number of meetings the working group may hold, requires the working group to report back to the Joint Standing Committee on Business and Economic Development by March 15, 2002. Additionally, this resolve requires the Department of Professional and Financial Regulation, the Department of Human Services and the Department of Environmental Protection to appoint members to the working group and to share in the expenses of the group within the departments' budgeted resources.

**RESOLVE 59      Resolve, Directing the Department of Economic and      LD 1827**  
**Community Development to Study the Designation of**  
**Tourism Regions**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Resolve 2001, chapter 59 directs the Department of Economic and Community Development to study the industry-designated tourism regions in the State to determine whether the regions reflect the unique cultural attributes and economic needs of certain areas. The department is required to consult with the tourism industry in conducting its study and to report its findings and recommendations to the Joint Standing Committee on Business and Economic Development before December 31, 2001.

## *Business and Economic Development*

**RESOLVE 67      Resolve, Directing the Maine Science & Technology      LD 1632**  
**Foundation to Determine the Technological, Economic and**  
**Public Policy Challenges and Opportunities for the**  
**Development of Broad Band Information Technology**  
**Information to all Parts of the State**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT	OTP-A	S-107
SHOREY		S-385    GOLDTHWAIT

Resolve 2001, chapter 67 directs the State Economist and Chief Information Officer of the State to determine technological, economic and public policy challenges and opportunities for deployment of broadband technology to all parts of the State. The resolve establishes a 4-member working group, chaired by the State's CIO, and a 17-member advisory panel to provide information and advice to the working group members. The resolve also designates the Commissioner of Economic and Community Development as the chair of the advisory panel. The resolve requires the working group to identify specific geographic areas of the State where advanced telecommunication capability is deployed at a significantly lower rate than the rest of the State. It also requires the working group to study: the investment in telecommunications facilities with advanced capabilities in rural areas; the availability of telecommunications backbone networks and "last mile" facilities with advanced capability in potentially underserved areas; the technological, economic and public policy barriers to the wide deployment of board bandwidth to all parts of the State; the capability of various technological enhancements to existing wired and wireless networks to provide "last mile" advanced telecommunications capability in rural areas; and the feasibility of various technological alternatives to provide "last mile" advanced telecommunications capability in rural areas. Finally, the working group is charged with identifying success strategies that have been implemented in other states to deploy this technology to rural areas. The working group is required to report its findings and recommendations to the Joint Standing Committee on Business and Economic Development and the Joint Standing Committee on Utilities and Energy by December 5, 2001.

Resolve 2001, chapter 67 was emergency legislation that became effective June 28, 2001.

## *Business and Economic Development*

**PASSED      JOINT STUDY ORDER – Joint Study Committee to Study      HP 1389**  
**Reimbursement Rates for Maine's Bottle Redemption**  
**Businesses and Other Issues Related to the Handling and**  
**Collection of Returnable Containers**

Sponsor(s)

Committee Report

Amendments Adopted

HP 1389 established the Committee to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers. This Joint Order is essentially identical to Committee Amendment "A" to LD 455, which was a resolve with similar title. The 13-member committee established under this joint order was directed to examine a number of issues related to handling and collection of returnable containers, including: operational costs of redemption centers to determine whether or not an increase in the reimbursement rate for handling costs is warranted; the interrelationships among beverage producers, distributors and redemption centers concerning collection of returnable containers; and the nature and extent of fraudulent redemptions. Pursuant to the Joint Order, the study committee must report its findings and recommendations to the Joint Standing Committee on Business and Economic Development by December 5, 2001.

## ***Criminal Justice***

### **PUBLIC 4      An Act to Correct a Reference in the Maine Juvenile Code      LD 5**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Public Law 2001, chapter 4 replaces the outdated reference to the Maine District Court Criminal Rules with that of the Maine Rules of Criminal Procedure. In 1989, the Maine District Court Criminal Rules were abrogated and the substance of the Maine District Court Criminal Rule 4 was carried forward into the Maine Rules of Criminal Procedure, Rule 4. This law was proposed by the Criminal Law Advisory Commission.

### **PUBLIC 31      An Act Concerning the Requirements for Exits for Boardinghouses and Lodging Houses      LD 274**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCNEIL LEMONT	OTP-AM	H-28

Public Law 2001, chapter 31 allows lodging houses, also known as bed and breakfasts, to follow minimum egress standards contained in the new National Fire Protection Association Life Safety Code 101 if they have a sprinkler system.

### **PUBLIC 33      An Act to Allow Sheriffs to Use Modern Record-keeping Technologies in the Maintenance of Jail Records      LD 579**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY	OTP	

Public Law 2001, chapter 33 removes the requirement that a sheriff keep certain information about prisoners committed to the jail under the sheriff's charge in a bound book and replaces it with a requirement that this information be kept in a suitable, permanent record at the office of the sheriff.

## *Criminal Justice*

### **PUBLIC 45      An Act to Change the Deadline for the Reporting of a Pilot      LD 677 EMERGENCY Project Regarding Ambulance Drivers**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP-AM	H-53

Public Law 2001, chapter 45 extends the reporting date for the Department of Public Safety, Maine Emergency Medical Services ambulance operator training pilot project by one year.

It also extends the date by which a person whose job description includes operating an ambulance in an emergency mode or transporting a patient must possess certification of successful completion of a basic ambulance vehicle operator course, or a course that has been provided as an equivalent. The current date is January 1, 2003 and this law extends the date one year to 2004.

Public Law 2001, chapter 45 was enacted as an emergency measure effective April 11, 2001.

### **PUBLIC 51      An Act to Amend the Law Pertaining to the Maine      LD 130 Community Policing Institute Surcharge Fund**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY MAYO	OTP-AM	S-21

Public Law 2001, chapter 51 extends the repeal date for the Maine Community Policing Institute Surcharge Fund from September 30, 2001 to September 30, 2003.

### **PUBLIC 111      An Act to Amend the Standards Regarding the      LD 277 Endangerment of the Welfare of a Dependent Person**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY POVICH	OTP-AM	S-75

Public Law 2001, chapter 111 amends the law governing when a person is guilty of endangering the welfare of a dependent person by changing the standard to reckless endangerment rather than intentional endangerment. This change would make the standard applied to culpability for endangerment of the welfare of a dependent person parallel to that applied in the law regarding child endangerment.



## *Criminal Justice*

Public Law 2001, chapter 111 specifies that the culpable state of mind required for a person to endanger the welfare of a dependent person may be "intentionally," "knowingly" or "recklessly," and clarifies that, for purposes of endangerment of a dependent person, a legal duty may be inferred if the defendant has assumed responsibility for the care of the dependent person.

### **PUBLIC 128     An Act to Bring the Crime of Refusing to Submit to Arrest     LD 680 or Detention into Conformity with the Maine Criminal Code**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Public Law 2001, chapter 128 removes the defense to a prosecution for refusing to submit to an arrest or detention that the person knew that the law enforcement officer knew that the arrest or detention was illegal. The defense is contradictory to the general law on physical force in defense of a person as provided in the Maine Revised Statutes, Title 17-A, section 108, subsection 1-A. (See State v. Day, 724 A. 2d 1245, 1247.) This law was proposed by the Criminal Law Advisory Commission.

### **PUBLIC 141     An Act to Amend the Supervised Community Confinement     LD 929 Law**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY DAVIS P	OTP-AM	H-163

Public Law 2001, chapter 141 amends the supervised community confinement law by requiring that a prisoner who has a term of imprisonment of more than 5 years may be transferred to supervised community confinement after serving 2/3 of that time, and a prisoner who has a term of imprisonment of 5 years or less may be transferred after serving 1/2 of the term of imprisonment. Public Law 2001, chapter 141 also allows a terminally ill prisoner to serve out the rest of the prisoner's term of confinement in a hospital or other appropriate care facility and to receive hospice services.

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### **PUBLIC 153     An Act Concerning the Administration of Medications in County Jails**

**LD 642**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E DAVIS P	OTP-AM	H-161

Public Law 2001, chapter 153 allows the administration of medications that have been prescribed by a nurse practitioner or a physician assistant and approved by the jail's health care provider. In the case of a prisoner who has been incarcerated for less than 24 hours, permission to administer medication may be given by a physician, nurse practitioner or dentist or the facility health care provider. Current law allows the sheriff of a county to administer to a prisoner in that county's jail medication that has been prescribed by a physician or dentist.

### **PUBLIC 171     An Act Regarding Prisoner Participation in Public Work Projects or Improvements to Charitable Organizations' Property (BY REQUEST)**

**LD 313**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LESSARD DAVIS P	OTP-AM	H-262

Public Law 2001, chapter 171 allows county sheriffs instead of a court to make decisions concerning prisoner employment, participation in public works and participation in electronic monitoring and intensive supervision outside the jail. It requires the Commissioner of Corrections to submit an annual report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters concerning the management by sheriffs of inmate releases under these new provisions. It repeals this transfer from the court to the sheriffs of the decision-making authority with respect to releases of prisoners from the county jails 90 days after the adjournment of the First Regular Session of the 121st Legislature. On that date the authority reverts back to the courts. It also makes clear that a prisoner can qualify for a reduced sentence through performing public service work, whether that work is performed on the property of a charitable organization or on property of the county.

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### **PUBLIC 208      An Act to Allow Victims of Crimes More Access to Inmate      LD 1050 Records**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY	OTP-AM	S-73

Public Law 2001, chapter 208 allows a victim of a crime to obtain, upon request, the following information about the inmate who committed the crime: whether the inmate has been charged with committing any crime while incarcerated and, if so, the crime with which the inmate has been charged; and whether the inmate has been disciplined while incarcerated and, if so, the offense for which the disciplinary action was taken and the type of disciplinary action taken.

### **PUBLIC 228      An Act to Relieve Counties from the Expense and      LD 1060 Responsibility of Transporting Certain Prisoners Between Correctional Facilities and Courts**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOGLUND SAVAGE C	OTP-AM	H-352

Public Law 2001, chapter 228 relieves the counties of the responsibility of transporting prisoners between a correctional facility and a court when the transportation is in connection with the prosecution of the prisoner for a crime committed within a correctional facility. Public Law 2001, chapter 228 requires the Department of Corrections to transport such prisoners or authorizes the Department of Corrections to reimburse counties whose sheriffs undertake the responsibility of transporting prisoners between correctional facilities and courts in connection with the prosecution of a crime committed within the correctional facility.

### **PUBLIC 229      An Act to Amend the Maine Emergency Medical      LD 1596 Services Act of 1982**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY	OTP-AM	S-145

Public Law 2001, chapter 229 amends the Maine Emergency Medical Services Act of 1982 to:

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1. Allow the Emergency Medical Services Board to issue warnings, suspend licenses and impose civil penalties for violations of the Maine Emergency Medical Services Act of 1982;
2. Allow a decision of the board to be appealed to the Superior Court;
3. Clarify that the Board, its committees or staff may issue letters of guidance or concern to applicants or licensees; and
4. Provide that all reports, information and records provided to an emergency medical services quality assurance committee approved by the board are confidential and may not be obtained by discovery from the committee, the board or its staff.

### **PUBLIC 252     An Act to Strengthen the Bail Laws for Repeat Offenders**

**LD 1236**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOBIN J MITCHELL B	OTP-AM	H-405

Public Law 2001, chapter 252 clarifies that judges and bail commissioners must consider the factors in the Maine Revised Statutes, Title 15, section 1026, subsection 4 when determining whether to set preconviction bail.

### **PUBLIC 290     An Act Concerning the Formation of the Central Maine Regional Public Safety Communication Center**

**LD 1623**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J	OTP-AM	H-389

Public Law 2001, chapter 290 repeals Private and Special Law 1999, Chapter 85 that enables the establishment of the Central Maine Regional Public Safety Communication Center and places that enabling language in a new chapter of the Maine Revised Statutes, Title 25, permitting the establishment of the center within the Department of Public Safety. Creation of the center is contingent upon participation by the Maine State Police. The director of the center is subject to appointment and dismissal by the Commissioner of Public Safety. The enabling chapter is effective only if the Maine State Police and at least one eligible local government agree to participate.

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### **PUBLIC 325     An Act to Expand the Collection of DNA Samples from Convicted Offenders**

**LD 1565**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR	OTP-AM     MAJ	H-468
MCALLEVEY	ONTP        MIN	

Public Law 2001, chapter 325 expands the list of offenses that require DNA sample collection from a convicted offender for inclusion in the DNA database at the Maine State Police Crime Laboratory to include all Class A, B and C crimes and solicitation of a child by a computer to commit a prohibited act beginning October 1, 2001.

Public Law 2001, chapter 325 also repeals the provision that subjects a juvenile adjudicated of committing a juvenile crime that, if committed by an adult, would constitute an offense listed in the DNA Data Base and Data Bank Act from the testing requirements of that Act.

### **PUBLIC 332     An Act to Clarify the State's Burden of Proof in Cases of Criminal Homicide or Serious Bodily Injury Caused by a Person Operating a Motor Vehicle**

**LD 1084**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP-AM     MAJ	S-242
	ONTP        MIN	

Public Law 2001, chapter 332 specifies that in cases of criminal homicide or bodily injury caused by a person operating a motor vehicle while under the influence, the State must prove only that the defendant's operation caused the serious bodily injury or death. The court shall apply the standard of causation defined in the Maine Revised Statutes, Title 17-A, section 33 in such cases.

### **PUBLIC 343     An Act to Provide Funding for the Office of the State EMERGENCY Fire Marshal and to Increase Certain Fire Inspection Fees**

**LD 1362**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALLEVEY	OTP-AM     MAJ	S-241
	ONTP        MIN	

Public Law 2001, chapter 343 establishes a one-year special assessment to be collected from policyholders of insured fire risks located in the State. This special assessment is designed to provide operating revenues for the Office of the State Fire Marshal for fiscal year 2002. The

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law also increases certain inspection and permit fees collected by the Office of the State Fire Marshal to more accurately reflect the costs associated with those inspections and permits.

Public Law 2001, chapter 343 was enacted as an emergency measure effective June 1, 2001.

Public Law 2001, chapter 343 creates a new tax but originated incorrectly in the Senate as LD 1362. Public Law 2001, chapter 437, which was LD 1825, An Act Providing Funding for the Office of State Fire Marshal and to Increase Certain Fire Inspection Fees, repealed and replaced Public Law 2001, chapter 343.

### **PUBLIC 348      An Act to Require the Destruction of Certain Confiscated      LD 774 and Forfeited Handguns**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND	ONTP      MAJ	S-96
BAKER	OTP-AM      MIN	H-486      WHEELER E S-149      O’GARA

Public Law 2001, chapter 348 requires the destruction of a handgun used in the commission of a homicide unless the handgun was stolen and the rightful owner can be ascertained, in which case the handgun must be returned to the rightful owner.

### **PUBLIC 364      An Act to Encourage Greater Acquisition, Deployment and      LD 1432 Use of Automated External Defibrillators**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUMPS	OTP-AM      MAJ	H-569
	ONTP      MIN	S-294      MARTIN

Public Law 2001, chapter 364 does the following.

1. It prohibits a person other than a health care provider from using an automated external defibrillator (AED) unless that person is certified in the use of an AED, and, if communication is possible, the person has attempted to contact emergency services personnel.
2. It requires a person who owns or leases an AED to consult with a licensed physician for technical assistance in the selection and storage location of an AED, training of potential operators, protocols for use and use review; to notify the Department of Public Safety, Maine Emergency Medical Services of the existence, location and type of AED the person possesses and the clinical use made of the AED; and to maintain and test the AED

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3. in accordance with the applicable standards of the manufacturer and any standards prescribed by the Department of Human Services.
4. It clarifies that the current immunity provided for a person who renders emergency treatment to another person in need of assistance is not affected by the establishment of the new requirements for the use of an AED.

### **PUBLIC 372      An Act Adopting and Implementing the National Crime Prevention and Privacy Compact      LD 1691**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY POVICH	OTP	H-649 POVICH

Public Law 2001, chapter 372 allows the Maine State Police to enter into a compact with the Federal Bureau of Investigation and other party states for the purpose of organizing an electronic information sharing system among the Federal Government and the states to exchange criminal history records for noncriminal justice purposes for dissemination as authorized by federal and state laws.

Public Law 2001, chapter 372 directs the commanding officer to ensure that fingerprints and information obtained for conducting a criminal history record check for noncriminal justice purposes through the interstate identification index system are not retained and are used solely for the purpose of providing a response to the record check. It requires the commanding officer to report any retention or dissemination of the fingerprints and information to the joint standing committee of the Legislature having jurisdiction over criminal justice matters and directs that committee to consider renunciation of the compact.

Public Law 2001, chapter 372 clarifies that the submission of fingerprints and descriptive information for criminal history record checks for noncriminal justice purposes does not constitute a criminal history record or the administration of criminal justice.

### **PUBLIC 383      An Act to Implement Recommendations of the MCJUSTIS Board Pursuant to the Study Required by Resolve 1997, Chapter 105      LD 1740**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-596

Public Law 2001, chapter 383 is the report of the Maine Criminal Justice Information System, MCJUSTIS, Policy Board pursuant to Resolve 1997, chapter 105, as amended by

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Public Law 1999, chapter 451, section 5 and Public Law 1999, chapter 790, Part D, section 12.

MCJUSTIS is an information clearinghouse, the purpose of which is to provide access to shared uniform information on criminal defendants and crime data. In order for the information to be uniform and accurate, it must be entered and accessed by all participants in the same way. To ensure that crimes are entered accurately, the statutes defining each crime must be precise and narrow enough to ensure that citing to the specific statutory unit will be the same as describing the elements and class of that exact crime. There must be a one-to-one relationship between each crime and the statutory unit that defines it. Public Law 2001, chapter 383 revises the Maine Criminal Code to establish that one-to-one relationship for each crime and its unique statutory cite.

The original resolve directed the MCJUSTIS policy board to propose only those substantive changes to the laws that are necessary to result in a unique statutory cite for each crime. In working through each crime in the Maine Criminal Code, the MCJUSTIS policy board, as advised by the Criminal Law Advisory Commission, identified one category of substantive changes that are necessary and several others that it recommends; all are included in Public Law 2001, chapter 383.

The category of substantive changes that are necessary relates to how to handle facts about a crime that are not technically elements but are currently used for determining the class of crime for sentencing purposes. The statute currently does not require that such "enhancers" be proved beyond a reasonable doubt by the prosecution. The Law Court has required, however, that the prosecution must prove such facts beyond a reasonable doubt if the facts are to be used to make the underlying crime a higher class than it would otherwise be or would require a specific punishment. Public Law 2001, chapter 383 incorporates each enhancer into the elements of the crime that it enhances. This results in the statutory requirement that the enhancer be proved beyond a reasonable doubt in order to secure a conviction for that crime at that class.

For example, assault is usually a Class D crime. If the victim is under 6 years of age, however, the assault is a Class C crime. This bill revises assault to require the prosecutor to prove beyond a reasonable doubt that the victim is under 6 years of age in order to secure the Class C conviction.

Public Law 2001, chapter 383 contains changes to the Maine Criminal Code that are substantive and that are proposed to improve the Maine Criminal Code for consistency or clarity.

In addition to formatting changes, Public Law 2001, chapter 383 makes the following changes to the Maine Criminal Code.

1. It rewrites as an element of a crime any fact regarding the crime that is used to establish the class for the crime or the appropriate sentence is rewritten as an element of the crime.



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2. This is a substantive change, although it will make little difference in how cases are currently prosecuted.
3. It revises language, including "presumption," "presumed" and "prima facie" to reflect Supreme Judicial Court rulings and Rule 303 of the Maine Rules of Evidence. The revised language instead refers to "permissible inference" to ensure that the jury knows how to use certain proven evidence. This does not reflect a change in practice, but clarifies the law.
4. It provides a definition of being related within the "2nd degree of consanguinity." The term is used in defining both gross sexual assault and incest.
5. It establishes standard language for referring to prior convictions and using prior convictions to affect one class of a newly committed crime. The Maine Revised Statutes, Title 17-A, section 9-A is amended to provide general rules for using prior convictions to enhance a new crime. These general rules are consistent with most existing provisions concerning the use of prior convictions, but do represent a substantive change in a few cases.

The general rules included here require considering specific convictions secured within the last 10 years. This is a substantive change for Title 17-A, sections 506-A and 556.

The period for prior convictions is not changed for prostitution crimes, which remain at 2 years, and certain drug crimes, which do not limit how far back a prior conviction, can be used to enhance the current crime.

The general rules provide consistent language dealing with multiple crimes committed within 2 or 3 days. This may result in a substantive change in a limited number of crimes in order to treat them consistently.

6. It inserts the language declaring the class in the same statutory unit that defines the way to commit the crime. When the statute defines more than one way of committing a crime, and those different ways are identified as different classes, the exception to this is in the statutes dealing with gross sexual assault, unlawful sexual contact and theft, where if certain circumstances exist, the classification will go up a class. Because each way of committing these crimes could be increased if the particular circumstance exists, an enhancer provision was drafted at the end of each crime to specify that the classification will increase if the circumstances are proved.

The category of substantive changes that are necessary relates to how to handle facts about a crime that are not technically elements but are currently used for determining the class of crime for sentencing purposes. Facts that function to give the underlying crime a higher class than it would otherwise carry are termed "sentence enhancers" and are the functional equivalent of elements of the resulting higher class crimes. Legally indistinguishable from an element, a sentence enhancer, in order to meet state and federal constitutional requirements, other than the fact of convictions, must be alleged in the

## *Criminal Justice*

charging instrument, submitted to the jury and proved by the prosecution beyond a reasonable doubt. Although in many instances these specific procedural safeguards currently expressly accompany the sentence enhancer, such is not always the case. Public Law 2001, chapter 383 incorporates each sentence enhancer into the elements of the crime that it enhances. This results in the statutory requirement that the enhancers be pleaded and proved beyond a reasonable doubt in order for the prosecution to secure a conviction for that crime at that class

7. It rewrites permissible inference language regarding a person accused of theft to include Title 17-A, section 405, burglary. This change expands the presumption that by permitting an inference to be made under the Maine Rules of Evidence, Rule 303, a person in exclusive possession of property recently taken is guilty of the burglary.
8. It amends the drug laws dealing with unlawful trafficking, unlawful furnishing and unlawful possession to clarify that a person is guilty of trafficking, furnishing or possessing a scheduled drug if the person intentionally or knowingly trafficks, furnishes or possesses what the person knows or believes to be a scheduled drug and the drug is a type of scheduled drug.
9. It makes a technical change to the criminal trespass provisions.
10. It corrects an additional cross-reference in the drug statutes required by the bill.
11. It reorders the crime of unlawful possession of scheduled drugs to provide for the highest class being listed first.
12. It reorganizes the firearm forfeiture provisions to clarify that section of law.
13. It corrects the crime of aggravated cultivating of marijuana to correctly list the Class D and Class E crimes.
14. It includes language to make the statutes gender neutral and to correct and update grammar. In addition, the following language changes are made for consistency and are not intended to be substantive.
  - A. When referring to the age of the perpetrator or victim, the term used is "years of age." For example, if current law says "under 14" or "has not reached his 14th birthday," this bill revises it to "less than 14 years of age."
  - B. "Exceeds" is changed to "more than," "under" is changed to "less than."
  - C. The perpetrator of the crime is usually referred to in the definition as "the person." Exceptions occur when the crime definition involves other people and the "the person" becomes confusing. In these situations, "actor" is used instead. "Defendant" is often used in procedural and sentencing provisions.

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14. It adds an effective date of January 31, 2003.

### **PUBLIC 386      An Act to Amend the Laws Pertaining to the Department of Corrections**

**LD 1758**

<u>Sponsor(s)</u>	<u>Committee Report</u>		<u>Amendments Adopted</u>
MCALEVEY	OTP-AM	MAJ	S-280
	OTP-AM	MIN	

Public Law 2001, chapter 386 does the following.

1. It establishes the authority for the Department of Corrections to transport prisoners across state lines for medical care.
2. It authorizes the department to pay for cremation in cases where it assumes responsibility for burial of prisoners at public expense.
3. It allows deathbed visits by prisoners to natural, adopted, foster or step relatives.
4. It amends the confidentiality statutes to make screening and assessment tools confidential.
5. It adds the Class E crime of tobacco trafficking to the prison contraband law.
6. It repeals the temporary certification requirement for batterers' intervention programs.
7. It removes Assistant to the Commissioner of Corrections from positions that serve at the pleasure of the commissioner.
8. It requires Correctional Trade Instructors to meet the same training requirements as corrections officers.
9. It allows polygraph testing of sex offenders in court-ordered treatment.
10. It makes technical corrections to ensure that the Correctional Program Improvement Fund is repealed and replaced by the new Correctional Medical Services Fund.
11. It provides that certain screening and assessment tools used by the Department of Corrections are confidential and are not public records, but that they must be supplied on request to other agencies and to any committee or study commission established by the Legislature with authority to examine issues related to mental health.

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### **PUBLIC 389      An Act to Amend the Maine Criminal Code to Reduce      LD 1434** **the Incentive to Commit Theft**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURPHY T	OTP-AM	H-202

Public Law 2001, chapter 389 lowers the monetary threshold for the classification of theft crimes to previous standards for Class C, D and E crimes. These standards were amended by the First Regular Session of the 117th Legislature. Public Law 2001, chapter 389 brings the monetary threshold in line with those of other New England states and treats the theft and burglary thresholds in a more equal manner.

### **PUBLIC 411      An Act to Prohibit Cyberstalking      LD 749**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE MCALEVEY	OTP-AM	H-160

Public Law 2001, chapter 411 clarifies that for purposes of stalking "conveying oral or written threats" includes communicating or causing a communication to be initiated by mail or mechanical or electronic means. Mechanical or electronic means include telephones, cellular telephones, telegraphs, computers, video recorders, fax machines, pagers or similar devices.

### **PUBLIC 412      An Act to Specify That Possession of Sexually Explicit      LD 125** **Materials by Way of the Internet is Criminal**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-17

Public Law 2001, chapter 412 amends the Maine Revised Statutes, Title 17, section 2924, which establishes the crime of possession of sexually explicit materials, to expressly criminalize possession of sexually explicit materials that have come into a person's possession by way of the Internet and makes all provisions regarding sexually explicit materials consistent by including computer data files in the types of material regulated under the law. This law was proposed by the Criminal Law Advisory Commission.

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### **PUBLIC 413     An Act Creating the New Crime of Aggravated Attempted Murder**

**LD 1147**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-260

Public Law 2001, chapter 413 repeals the current special sentencing scheme for the Class A crime of attempted murder and creates a new Class A crime of aggravated attempted murder, the authorized punishment for which is imprisonment for life or for any term of years. Imposition of a life sentence for aggravated attempted murder is governed by the law applicable to the imposition of a life sentence for murder under the Maine Revised Statutes, Title 17-A, section 1251. The existence of an aggravating circumstance allows the court to consider whether to impose a life sentence. Unlike the punishment authorized for murder, there is no mandatory minimum term of imprisonment if the court chooses to impose a definite period of years. Further, unlike murder under Title 17-A, section 1201, the person guilty of aggravated attempted murder is eligible for a sentence alternative that includes a period of probation.

The purpose of Public Law 2001, chapter 413 is to return sentencing for the crime of attempted murder to that authorized for Class A crimes generally and to respond to the fact that the current special penalty provision for attempted murder allowing for the imposition of a life sentence "with proper findings" appears to be unconstitutional in light of Apprendi v. New Jersey, 120 S. Ct. 2348 (2000)(the aggravating circumstances not being alleged, submitted to a jury or proved beyond a reasonable doubt). This law was proposed by the Criminal Law Advisory Commission.

### **PUBLIC 414     An Act to Amend the Criminal Laws with Regard to Animal Welfare**

**LD 1283**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM	S-170

Public Law 2001, chapter 414 amends criminal animal cruelty laws to include the act of committing bestiality.

## *Criminal Justice*

### **PUBLIC 419     An Act to Control the Illegal Diversion and Abuse of Prescription Narcotic Drugs and Abuse of Designer Club Drugs**

**LD 1728**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH MCALEVEY	OTP-AM	H-353

Public Law 2001, chapter 419 does the following.

1. It clarifies the definition of "narcotic drugs" under the Maine Revised Statutes, Title 17-A, chapter 45 by specifically listing the most commonly encountered prescription narcotic drugs by chemical name.
2. It removes archaic references to drug preparations that are inaccurately described or no longer commonly encountered in modern medical treatment.
3. It sets the number of illicit prescription pills or other units that would result in a presumption of trafficking or furnishing at trial: 90 pills or units for trafficking, and 45 for furnishing. Oxycodone, Oxycontin, and hydromorphone, Dilaudid, are singled out for separate treatment based on the aggregate amount of the drug in milligram due to the availability in very powerful single pill dosage formulations.
4. It creates a charge of aggravated trafficking and furnishing based on trafficking and furnishing 300 or more pills or other units of narcotic drugs other than heroin. The compounds contained in Oxycontin and Dilaudid are singled out for special treatment based on aggregate amounts of the drugs in milligrams. A charge of aggravated trafficking or furnishing is a Class A felony, with a mandatory minimum sentence of 4 years of prison.
5. It prevents the use of altered, forged or counterfeit prescriptions by having the Department of Public Safety, after consultation with the Board of Osteopathic Licensure, the Board of Licensure in Medicine and the Board of Pharmacy, adopt major substantive rules establishing security requirements for written prescriptions for narcotics. The Department of Public Safety shall bring its proposed rules before the Criminal Justice Committee in the Second Regular Session of the 120th Legislature.
6. It amends the crime of acquiring drugs by deception to clarify that failure to disclose recent narcotic prescriptions from other doctors, or use of a false name or address, is within the definition of "deception." It also addresses the issue of having to prove causation between obtaining drugs and the deceptive act if the patient deceives the physician in these ways.

## *Criminal Justice*

7. It increases the penalties for stealing schedule W, X or Y drugs by making these crimes Class C offenses. Stealing schedule Z drugs remains a Class D crime. This equalizes the penalties for the crimes of acquiring drugs by deception and stealing drugs.
8. It clarifies that a medical drug prescription form is a "written instrument" for purposes of the forgery law.
9. It clarifies that the analysis of a scheduled drug may be by a method designed to accurately determine the composition of the drug, and may include a visual examination. This is intended to approve the practice of proving the composition of a commercially manufactured pharmaceutical drug by visual observation of the unique markings on the pill by a chemist or pharmacist.
10. It adds the newly popular hallucinogenic "club" or "rave" drug ecstasy, 3, 4 - methylenedioxymethamphetamine, MDMA, and its close chemical relatives for the purposes of criminal enforcement: 4 – bromo – 2, 5 – dimethoxyphenethylamine, NEXUS; 3, 4 – methylenedioxy-N-ethylamphetamine, MDE; paramethoxymethamphetamine, PMMA; paramethoxyamphetamine, PMA; and paramethoxythylamphetamine, PMEa to the list of schedule W drugs. None of these drugs have been previously scheduled in the State, but all are schedule I drugs under the federal Controlled Substances Act.
11. It moves other close chemical relatives of MDMA that have been listed as schedule X drugs under the state law since 1989, to schedule W, increasing potential penalties for trafficking or furnishing the drugs.
12. It adds 3 other newly popular drugs to the list of schedule X drugs: gamma hydroxybutyrate, GHB; Ketamine; and alpha-ethyltryptamine, AET.
13. It sets the number of pills containing MDMA and related drugs that results in a permissible inference at trial of intent to furnish and traffick.
14. It creates a charge of aggravated trafficking and furnishing MDMA and similar drugs based on trafficking or furnishing 300 or more pills.
15. It results in possession of MDMA, GHB or Ketamine being a Class D crime; trafficking in MDMA being a Class B crime; trafficking in GHB or Ketamine being a Class C crime; aggravated furnishing MDMA being a Class B crime with a mandatory minimum 2-year sentence; and aggravated trafficking in MDMA being a Class A crime with a mandatory minimum 4-year sentence.

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### **PUBLIC 420     An Act to Amend the Laws Pertaining to Domestic Violence**

**LD 797**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT	OTP-AM	S-172

Public Law 2001, chapter 420 specifies that a person commits a Class C crime by violating a protective order through conduct that is reckless and that creates a substantial risk of death or bodily injury to the plaintiff named in a protective order or by assaulting the plaintiff named in the protective order.

### **PUBLIC 426     An Act to Add Prior Conviction for Burglary of a Motor Vehicle to Enhancement of Theft Penalties and to Include Burglary of a Motor Vehicle in the Presumption Provision for Theft**

**LD 292**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-16

Public Law 2001, chapter 426 establishes that burglary committed inside a motor vehicle may be used as a prior conviction for purposes of the enhancement of theft penalties and creates the presumption that a defendant is guilty of burglary of a motor vehicle if a defendant is in exclusive possession of property recently taken under circumstances constituting a theft or robbery and burglary of a motor vehicle. A similar presumption currently exists for burglary involving a structure. This law was proposed by the Criminal Law Advisory Commission.

### **PUBLIC 428     An Act to Prevent Interstate and International Smuggling of Illegal Drugs Into the State by Creating the Crime of Illegal Importation of Scheduled Drugs**

**LD 1725**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY POVICH	OTP-AM	S-146

Public Law 2001, chapter 428 creates a new crime of "illegal importation of scheduled drugs" with penalties that are the same as for unlawfully furnishing scheduled drugs under the Maine Revised Statutes, Title 17-A, section 1106. Marijuana is not included under the new crime. The law does not apply to any person with a lawful prescription for the drug.



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### **PUBLIC 429      An Act to Amend the Crime of Endangering the Welfare of a Child      LD 1764**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY POVICH	OTP-AM	S-203

Public Law 2001, chapter 429 amends the current endangering the welfare of a child law to include the Class C crime of failing to take measures to protect a child from further bodily injury when such injury has been committed by another person and the person responsible for the long-term general care of the child knows of the prior injury.

### **PUBLIC 437      An Act Providing Funding for the Office of the State Fire EMERGENCY Marshal and to Increase Certain Fire Inspection Fees      LD 1825**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH MCALEVEY	OTP-AM	H-743

Public Law 2001, chapter 437 does the following.

1. It increases certain inspection and permit fees collected by the Office of the State Fire Marshal to more accurately reflect the costs associated with those inspections and permits.
2. It establishes a one-year special assessment to be collected from policyholders of insured fire risks located in the State. This special assessment is designed to provide operating revenues for the Office of the State Fire Marshal for fiscal year 2002.
3. It specifies that a fire insurance company or association that collects a special assessment shall notify each policyholder that the premium includes a special assessment to provide funding for the State Fire Marshal. The notification has to accompany the premium notice and may be made in a manner to be determined by each fire insurance company or association.
4. It repeals Public Law 2001, chapter 343 retroactively.

Public Law 2001, chapter 437 was enacted as an emergency measure effective on June 20, 2001.

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### **PUBLIC 458     An Act Regarding the Care and Treatment of Persons with Mental Illness who are Incarcerated**

**LD 1099**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P WHEELER E	OTP-AM	S-239 S-382 GOLDTHWAIT

Public Law 2001, chapter 458 does the following.

1. It directs the Commissioner of Corrections or the commissioner's designee to consider all relevant information, including available mental health information, prior to making a placement decision for a person committed or transferred to the custody of the Department of Corrections.
2. It requires all adult correctional facilities and juvenile facilities operated by the Department of Corrections to be accredited by a nationally recognized correctional accrediting body by January 1, 2005 and annually thereafter.
3. It clarifies that persons committed to the custody of the Department of Corrections have a right to adequate mental health treatment.

Public Law 2001, chapter 458 was enacted as an emergency measure effective June 28, 2001. (See HP 1383, a Joint Study Order that established the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated.)

### **PUBLIC 459     An Act to Offer Reciprocity Concealed Firearms Permits**

**LD 259**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERKINS DAVIS P	OTP-AM-MAJ ONTP-MIN	H-213 S-324 MILLS

Public Law 2001, chapter 459 allows a person to carry a concealed firearm in the State if that person has a concealed firearms permit from another state and the permit to carry a concealed firearm from that state is granted reciprocity. The Chief of the State Police may enter into reciprocity agreements with no more than 2 states. Reciprocity may be granted if:

1. The other state that issued the permit to carry a concealed firearm has substantially equivalent or stricter requirements for the issuance of a permit to carry a concealed firearm; and

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2. The other state that issued the permit to carry a concealed firearm observes the same rules of reciprocity in regards to a person issued a permit to carry a concealed firearm under Maine law.
3. Public Law 2001, chapter 459 also requires the Chief of the State Police to report to the Criminal Justice Committee by January 15, 2003 regarding the cost of entering into reciprocity agreements.

### **PUBLIC 469      An Act to Amend the Laws Governing DNA Testing**

**LD 1698**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOGLUND DAGGETT	OTP-AM	H-647

Public Law 2001, chapter 469 creates a new chapter that sets up the process for postjudgment of conviction DNA analysis. A person convicted of a crime under the laws of this State that carries the potential punishment of imprisonment of at least 20 years and for which the person is currently in actual execution of a sentence of imprisonment or is subject to a sentence of imprisonment that is to be served in the future because another sentence must be served first may file a written postjudgment of conviction motion in the underlying criminal proceeding, moving the court to order DNA analysis of evidence in the control or possession of the State that is related to the underlying investigation or prosecution that led to the person's conviction and a new trial based on the results of that analysis.

### **P & S 17      An Act for Voluntary Testing for Hepatitis-C of Adult Prisoners in the Maine Correctional System**

**LD 1292**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIELDS KNEELAND	OTP-AM	H-164

Private and Special Law 2001, chapter 17 requires the Department of Corrections, to the extent federal funding is available, to undertake a hepatitis testing and treatment program.

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**RESOLVE 22**    **Resolve, Directing a Study of the Creation of a Fire and**                      **LD 936**  
**EMERGENCY**   **Emergency Services Academy**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY	OTP-AM	S-74
MCNEIL		H-295   POVICH

Resolve 2001, chapter 22 does the following.

1. It directs the Maine Fire Protection Services Commission to study the need and feasibility of creating a central fire fighting training facility in the State and to report its recommendations to the Joint Standing Committee on Criminal Justice by January 1, 2002;
2. It authorizes the Joint Standing Committee on Criminal Justice to report out legislation to the Second Regular Session of the 120th Legislature in response to the report; and
3. It provides that unexpended funds appropriated to the Maine Fire Protection Services Commission in fiscal year 2000-01 are carried forward to fiscal year 2001-02.

Resolve 2001, chapter 22 was passed as an emergency measure effective May 16, 2001.

**RESOLVE 45**    **Resolve, to Implement Additional Recommendations of**                      **LD 1739**  
                         **the MCJUSTIS Board**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Resolve 2001, chapter 45 amends the reporting requirements for the MCJUSTIS Board to clarify that the board submits its final report and proposed legislation amending the Maine Revised Statutes, Title 17-A by January 31, 2001. Resolve 2001, chapter 45 also amends the board's reporting requirements to specify that the board submit proposed legislation amending other civil and criminal violations to make them compatible with computerized databases by December 15, 2001 and December 15, 2002. The retroactivity section makes these changes retroactive to January 31, 2001.

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**RESOLVE 62**      **Resolve, Directing the Department of Corrections to Include in its Plan for a Long-term Care or Hospice Facility Administered by the Department of Corrections Resources and Costs Necessary to Provide Long-term or Hospice Care to County Jail Inmates and Presentence Detainees**      **LD 1128**

<u>Sponsor(s)</u> DUDLEY MCALEVEY	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Resolve 2001, chapter 62 requires that when the Department of Corrections develops its plan for building and administering a long-term care or hospice facility for the treatment of prisoners, the department also shall include a break out in that plan of the resources and costs of providing long-term and hospice care to county jail inmates and presentence detainees held in county jails.

**PASSED**      **JOINT STUDY ORDER – Joint Study Order to Study the Needs of Persons with Mental Illness Who Are Incarcerated**      **HP 1383**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Joint Study Order HP 1383 establishes the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated. The committee consists of the 13 members of the Joint Standing Committee on Criminal Justice who are directed to invite the participation of experts and interested parties, gather information and request necessary data from public and private entities in order to:

1. Evaluate the availability and appropriateness of current mental health services for persons incarcerated in Department of Corrections facilities and in county jails, including but not limited to: access to forensic beds for prisoners in need of that level of mental health intervention; the provision of mental health services within the institutions provided by or in partnership with the Department of Mental Health, mental Retardation and Substance Abuse Services and involuntary medication of prisoners with mental illness;
2. Identify what additional mental health services are needed for incarcerated persons and how those services may best be implemented, provided and funded;
3. Identify what mental health training is required for law enforcement and corrections officers who work in corrections facilities and jails and how that training may best be implemented, provided and funded; and

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4. Identify steps necessary for county jails to seek and achieve accreditation.

The committee shall submit its report, together with any necessary implementing legislation, to the Legislature no later than December 5, 2001.

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**PUBLIC 67      An Act to Implement the Recommendations Relating to      LD 269**  
**EMERGENCY   Education Made by the Joint Study Committee to Study**  
**Bomb Threats in Maine Schools**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-94

Public Law 2001, chapter 67 implements several recommendations of the Joint Study Committee to Study Bomb Threats in Maine Schools. The law requires the Department of Education to consult with certain state and local officials in developing prototypical guidelines, policies and protocols for school administrative units to use in developing local responses to school bomb threats. The law also requires school boards to report bomb threats to the Commissioner of Education; to develop school bomb threat policies and protocols consistent with the prototypical policy guidelines; and to include specific information addressing school bomb threat policies in their student handbooks.

Public Law 2001, chapter 67 was enacted as an emergency measure effective May 2, 2001.

**PUBLIC 70      An Act to Modify the Maine Student Incentive Scholarship      LD 1011**  
**EMERGENCY   Program**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMALL RICHARD	OTP-AM	S-39

Public Law 2001, chapter 70 amends certain provisions of the student incentive scholarship program by renaming the program and by redefining the maximum length of the grant to a period equal to 150% of the total amount of time the institution that the student is attending publishes as the ordinary length of the program in which the student is enrolled. The law also clarifies the existing statutory provision that restricts the use of grant funds from replacing institutional or other grant aid; and provides for a sunset review of this provision by requiring the Finance Authority of Maine to provide recommendations to the Governor and the Legislature concerning the need for extending or repealing authorization for this provision in its annual report to the Legislature for fiscal year 2002-03.

Public Law 2001, chapter 70 was enacted as an emergency measure effective May 2, 2001.

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### **PUBLIC 85      An Act to Allow the Awarding of High School Diplomas      LD 21 EMERGENCY to Veterans of World War II and the Korean Conflict**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARD MARTIN	OTP-AM	H-124

Public Law 2001, chapter 85 gives secondary schools the authority to issue high school diplomas to veterans of World War II and the Korean Conflict who did not receive their diplomas because of service in the armed forces. The law establishes requirements for qualifying for a diploma. The decision of whether to issue diplomas is within the discretion of the secondary schools.

Public Law 2001, chapter 85 was enacted as an emergency measure effective May 8, 2001.

### **PUBLIC 86      An Act to Protect the Academic Integrity of Maine's Public      LD 147 Institutions of Higher Education**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MENDROS DAVIS P	OTP-AM	H-129

Public Law 2001, chapter 86 provides that the Board of Trustees of the Maine Maritime Academy, the Board of Trustees of the University of Maine System and the Board of Trustees of the Maine Technical College System shall each adopt a policy and a review process that ensures that each public system, its respective campus and any foundation related to each public system or campus is prohibited from accepting funds from any source that would interfere with or otherwise restrict the academic freedoms typically accorded to faculty members of higher educational institutions in teaching, research and expression of opinions.

### **PUBLIC 87      An Act to Waive Immunization Requirements for Students      LD 967 Participating in Distance Programs**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS LEMONT	OTP-AM	H-192

Public Law 2001, chapter 87 provides an exemption to the immunization requirements for postsecondary education students for those students who are enrolled in a distance education



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program at a postsecondary educational institution in the State and who do not physically attend any classes or programs at an institution facility, including a campus, center or site affiliated with that institution or any other postsecondary educational institution in the State.

### **PUBLIC 98      An Act to Enhance the Professional Skills of Maine's      LD 1393** **Educational Technicians**

<u>Sponsor(s)</u> MATTHEWS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-190
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Public Law 2001, chapter 98 requires that the rules used in defining the qualifications of educational technicians must recognize applicable work experience credits earned through completion of apprenticeship programs offered by the Department of Labor.

### **PUBLIC 127      An Act to Allow Averaging of Unallocated Balances Over      LD 1647** **3% for School Budgets**

<u>Sponsor(s)</u> MITCHELL B RICHARD	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2001, chapter 127 permits school boards to carry forward general operating fund balances at the end of a school administrative unit's fiscal year to meet the needs of the school administrative unit for up to 3 years. Under this law, school boards have the discretion of carrying forward unallocated balances in excess of 3% of the previous year's school budget for up to 3 years to reduce the state and local allocations for the purpose of computing state subsidy.

### **PUBLIC 189      An Act to Address Violence in Schools      LD 339**

<u>Sponsor(s)</u> MITCHELL B RICHARD	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2001, chapter 189 expands laws regarding the crime of disturbing schools to include engaging in hostile, aggressive or threatening behavior toward a student, teacher, administrator or other staff member if the offense is committed on school property. The law further provides that if a person damages or destroys a schoolhouse or building the person commits a civil offense and damages are doubled. The law also clarifies that a parent of a public school student has 45 working days to provide compensation for or to replace lost or

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damaged schoolbooks or appliances that were furnished to the student. After that time, the municipality shall collect the replacement costs of the lost or damaged property and the money collected must go to the municipality.

### **PUBLIC 326      An Act to Amend School Immunizations Requirements      LD 1563**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING R	OTP-AM      MAJ	H-446
MITCHELL B	OTP-AM      MIN	

Public Law 2001, chapter 326 repeals provisions that specify in statute the diseases for which an immunization certificate is required for enrollment in public or private elementary or secondary school and allows the Commissioner of Education and the Bureau of Health to specify those diseases in major substantive rules adopted jointly by those agencies. The law also repeals provisions that allow exemptions from immunization requirements for moral or other personal reasons, while leaving in the exemptions for medical, religious or philosophical reasons.

### **PUBLIC 344      An Act to Amend and Improve Education Laws      LD 1644**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARD	OTP-AM	H-523
MITCHELL B		

Public Law 2001, chapter 344 makes certain changes to clarify and improve existing education laws. The law:

1. Makes a technical change to clarify language in the school funding formula laws relating to superintendents' salaries and state subsidy calculations;
2. Modifies requirements relating to the obligations that school administrative units provide an annual audit report and an annual financial report to the Commissioner of Education;
3. Provides greater flexibility in the procurement of school buses by permitting school administrative units with the option of lease-purchasing school buses and by excluding lease-purchase payments for school buses from statutory limits on annual expenditures for school bus purchases; and
4. Reclassifies the position of Federal and State Education Program Coordinator, an unclassified major policy influencing position, as an Education Team Leader and Policy Director, a classified, confidential position.

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### **PUBLIC 375     An Act to Implement Changes in Cost-sharing Agreements     LD 1301 in School Districts**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARD MITCHELL B	OTP-AM	H-628

Public Law 2001, chapter 375 implements recommendations of a study of methods of changing cost-sharing formulas in school administrative districts and community school districts conducted by the State Board of Education. The law:

1. Provides an option for municipal members of a school district to design a cost-sharing formula that fits local needs without requiring legislative approval;
2. Requires the locally developed cost-sharing option to be approved by majority referendum vote in each municipality in the district, rather than by majority vote at a district-wide meeting;
3. Provides the assistance of outside professional facilitation services if local officials are unable to agree on cost-sharing changes; and
4. Requires the Department of Education to provide comprehensive, unbiased cost-sharing information and other assistance to districts and municipalities considering cost-sharing changes.

### **PUBLIC 376     An Act Regarding Contracts for Energy Conservation and     LD 1502 EMERGENCY Air Quality Improvements in School Buildings**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B RICHARD	OTP-AM	H-618 RICHARD S-225

Public Law 2001, chapter 376 codifies the past policy and practice of the State Government and bond counsel with regard to performance contracts for energy conservation or air quality improvements at school administrative unit facilities. The law clarifies that a performance contract for energy conservation, air quality improvements or combined energy conservation and air quality improvements at school administrative unit facilities is not subject to the specific statutory competitive bidding requirements if the contract meets certain criteria. The law also provides that school units may select contractors by means of a request for qualifications or a request for proposals; and further provides that the selection process must be publicly advertised, that at least 3 firms must be interviewed unless a smaller number responds and that a request for qualifications or proposals must meet certain standards

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intended to prevent bias or favoritism toward particular service providers. Finally, the law provides that the Department of Administrative and Financial Services, Bureau of General Services, must approve the performance criteria that are the basis of the contractor's performance guaranty.

Public Law 2001, chapter 376 was enacted as an emergency measure effective June 8, 2001.

### **PUBLIC 380      An Act to Encourage Savings for Higher Education      LD 1757**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON SAXL	OTP	S-298   SMALL

Public Law 2001, chapter 380 makes the following changes to the laws governing the Maine College Savings Program

1. It clarifies that money in the Maine College Savings Program Fund may be used by the Finance Authority of Maine to provide refunds of administrative fees paid by program participants to any class of participants, to provide matching grants to encourage savings for higher education to any class of participants and to provide needs-based scholarship funds for the beneficiary of a program account whether or not the beneficiary attends an institution of higher education in the State.
2. It clarifies that, if an account is opened by an entity that is not required by the Internal Revenue Code to designate a beneficiary, that participant is not required to designate a beneficiary when opening an account.
3. It clarifies that an individual participant may designate a successor participant to become owner of the account on the death or disability of the current participant.

### **PUBLIC 403      An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools      LD 291**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LORING CATHCART	OTP-AM	H-666

Public Law 2001, chapter 403 requires that Maine Native American history and culture be taught in all elementary and secondary schools and establishes a study commission to identify and explore available materials and resources for Maine educators to use in implementing these instructional areas. The law authorizes the Maine Indian Tribal-State Commission to carry out the study commission and requires the study commission

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recommendations to include a plan to assist the Department of Education in helping school administrative units implement instruction in Maine Native American studies. The plan for assistance must be established by July 30, 2004 and implemented during the 2004-2005 school year. Finally, the law allows a school administrative unit to delay implementation of instruction in Maine Native American studies if implementation of the component topics can not be achieved within existing local resources and requires the Department of Education to develop a reporting mechanism that permits a school administrative unit to report such a delay to the department at no cost to the unit.

### **PUBLIC 447      An Act to Encourage the Use of Locally Grown Foods in      LD 1214 School Food Service Programs**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	ONTP      MAJ	S-174   KILKELLY
VOLENIK	OTP-AM    MIN	S-391   GOLDTHWAIT

Public Law 2001, chapter 447 provides a one dollar match for every 3 dollars a school administrative unit spends on produce or minimally processed foods purchased directly from a farmer or farmers' cooperative in the State. The term "minimally processed" is defined to mean only the washing, cleaning, trimming, drying, sorting and packaging of food items or a combination of those activities. This law establishes an Other Special Revenue account and provides that authorization for use of matching funds is contingent on the receipt of revenue from public or private sources by the Department of Education for this purpose. The law also allocates \$500 in fiscal year 2002-03 to the Local Produce Fund to allow reimbursement of locally grown produce contingent on the receipt of additional funds by the Department of Education.

### **PUBLIC 452      An Act to Implement the Recommendations of the Task      LD 1306 Force on Educational Programming at Juvenile Correctional Facilities**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-667
		S-384   GOLDTHWAIT

Public Law 2001, chapter 452 implements certain recommendations of the task force on educational programming at juvenile correctional facilities. The law amends existing statutes governing the Maine Juvenile Code, the Department of Corrections, the Department of Education and local school administrative units in recognizing a school's interest in having information to ensure a successful reintegration of a juvenile offender and clarify the current ability for the Department of Corrections and others to share information, which may otherwise be confidential, with the school for purposes of reintegration.

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The law accomplishes the following:

1. It requires the Department of Corrections to notify the superintendent of a school about the availability of information when a juvenile in the custody of the Department of Corrections is seeking admission to that school after release from a juvenile correctional facility. The superintendent may then request information about the juvenile for use by a reintegration team, which must be provided as long as it falls under the requirements guarding the release of confidential information pertaining to juveniles in the juvenile justice system. The superintendent must establish a reintegration team to plan for the juvenile's transition into the school;
2. It requires the Commissioner of Education to establish standards and to provide technical assistance regarding reintegration teams for juveniles released or discharged from juvenile corrections facilities and seeking admission into schools in the State;
3. It requires school superintendents to provide planning for reintegration teams, including training for school personnel involved in reintegration planning and with access to confidential records of juveniles;
4. It requires compliance with reintegration planning provisions as part of basic school approval for public and private schools approved for tuition purposes;
5. It expands the scope and duties of the Commissioner of Education's advisory committee on truancy, dropouts and alternative education to include reintegration planning for a juvenile released or discharged from a juvenile correction facility and seeking admission into a school in the State;
6. It requires that school superintendents report annually on planning efforts for reintegrating juveniles into the school environment to the Commissioner of Education's advisory committee on truancy, dropouts and alternative education;
7. It clarifies that current confidentiality laws, as amended to include reintegration, are sufficient to inform a school about a juvenile's compliance with relevant conditions. Only if those conditions are not complied with should a school be able to deny admission to a juvenile; and
8. It requires the Commissioner of Corrections, the Commissioner of Education, the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services and the chair of the policy review council established under the Maine Revised Statutes, Title 34-A, section 3002-A or their designees to present an annual report to the Council on Children and Families and the Children's Cabinet on the progress of implementation efforts regarding the juvenile correctional educational programs, the integration of behavioral health, mental health and substance abuse programming and release and discharge planning, transition services, aftercare services and reintegration planning provided to youths discharged from juvenile correctional facilities.

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### **PUBLIC 454     An Act to Implement Maine's System of Learning Results     LD 1760**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B	OTP-AM     MAJ	S-303
RICHARD	ONTP     MIN	

Public Law 2001, chapter 454 addresses inconsistencies in the education laws and revises certain sections of the education laws related to the implementation of the system of learning results for students in Maine public schools and private schools approved for tuition that enroll at least 60% publicly funded students.

The law accomplishes the following:

1. It amends the requirements for basic school approval, including the requirement that each school administrative unit prepare and implement a comprehensive education plan that, among other requirements, is focused on the learning of all students. It also provides that, when a waiver of school approval requirements is granted, the unit must provide the commissioner with a plan to reduce reliance on waivers in the future; and establishes financial hardship as one criterion in determining whether to grant the waiver;
2. It requires the Commissioner of Education to promote the importance of ongoing training and development and encourage initiatives that prepare school personnel to fully implement the system of learning results;
3. It requires a comprehensive system of local and state assessments be fully implemented in school administrative units by the end of the 2003-2004 school year; and it further allows the use of commercially produced assessment tools as part of the local assessment system, but they may not carry a majority of the weight in determining student performance;
4. It provides that the requirement that local units implement standards in the additional content areas of career preparation, foreign languages and visual and performing arts is contingent upon funding based on essential programs and services or its equivalent. It provides for a waiver of this requirement to be developed through rulemaking, and also authorizes the commissioner to establish rules for inclusion of some portion of the standards in visual and performing arts for the graduating class of 2006-2007;
5. It also establishes a schedule for using a local assessment system as the basis for program, placement and student graduation decisions at public high schools; and also provides that graduation decisions must be determined by student achievement in all content areas by the 2009-2010 school year;

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6. It provides for a system of accountability for schools where students are not meeting standards, including providing assistance to these schools to support the learning of students;
7. It revises the application of the statewide system of learning results for certain private schools by clarifying that the learning results only apply to private schools approved for tuition that enroll at least 60% publicly funded students as specifically provided in Maine Revised Statutes, Title 20-A, chapter 222;
8. It requires that the required component of Maine studies that is Maine Native American studies will be addressed in the review of content standards and performance indicators of the learning results;
9. It provides that rules adopted under the Maine Revised Statutes, Title 20-A, chapter 222 are major substantive rules; and
10. It clarifies that the intent of the Legislature is to provide adequate funding from the State to finance the requirements of fully implementing the system of learning results; and also provides that the Joint Standing Committee on Education and Cultural Affairs shall consider financing the requirements of the system of learning results as it reviews the transition of the school funding formula to a formula based on the essential programs and services model during the Second Regular Session of the 120th Legislature.

**P & S 27      An Act to Increase the Bonding Limit of the Trustees of the      LD 720**  
**City of Brewer High School District from \$2,500,000 to**  
**\$5,000,000**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISHER YOUNGBLOOD	OTP-AM	H-522

Private and Special Law 2001, chapter 27 permits the trustees of the City of Brewer High School District to submit a referendum to the legal voters of the City of Brewer no later than December 31, 2001 for the purpose of seeking to increase the bonding limit of the school district from \$2,500,000 to \$5,000,000.



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**P & S 28**

**An Act to Amend the Charter of Bates College**

**LD 1805**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO O'BRIEN L	OTP	

Private and Special Law 2001, chapter 28 amends the charter of Bates College as follows:

1. It gives the chairs and the vice-chairs of the board of fellows and the board of overseers the exclusive responsibility to preside over their respective meetings;
2. It authorizes the chair and the vice-chair of the board of fellows to serve as the chair and the vice-chair of the corporation, and for the chair of the board of fellows to preside over the executive committee. In the chair's absence, the vice-chair of the board of fellows and the chair and vice-chair of the board of overseers are authorized to preside over executive committee meetings;
3. It provides that future changes to the charter will be made under the Maine Nonprofit Corporation Act, contained in the Maine Revised Statutes, Title 13-B, or any successor; and
4. It makes several clerical corrections and changes gender-specific language in the charter.

**P & S 30**

**An Act to Increase the Debt Limit of the Calais School  
District Trustees**

**LD 1635**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY	OTP-AM	S-250

Private and Special Law 2001, chapter 30 increases the debt limit established in the charter of the Calais School District from \$3,550,000 to \$6,000,000. The law also makes revisions to the school district charter to make the charter consistent with recent changes in federal and state laws, including provisions of the federal Internal Revenue Code and the Maine Municipal Bond Bank.

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**P & S 40**

**An Act to Increase Access to Higher Education**

**LD 1043**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL	OTP-AM-MAJ	H-656
CATHCART	ONTP-MIN	S-401

Private and Special Law 2001, chapter 40 provides a General Fund appropriation of \$1,500,000 as a grant to the Senator George J. Mitchell Scholarship Research Institute to provide scholarship funds to benefit Maine residents attending institutions of higher education.

**RESOLVE 9      Resolve, Regarding Legislative Review of**  
**EMERGENCY      Chapter 125.17D: Regulations Governing Timeout**  
**Rooms, Therapeutic Restraints and Aversives in Public**  
**Schools and Approved Private Schools, a Major**  
**Substantive Rule of the Department of Education**

**LD 22**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-125

Resolve 2001, chapter 9 authorizes final adoption of regulations concerning the use of time-out rooms, therapeutic restraints and aversives, a provisionally-adopted, major substantive rule of the Department of Education. The rule requires that documentation of a time-out room or therapeutic restraint be provided to the program administrator within 2 school days; and also requires that the local policy concerning the use of time-out rooms, therapeutic restraints and aversives must be reviewed at least annually.

Resolve 2001, chapter 9 was finally passed as an emergency measure effective May 8, 2001.

**RESOLVE 10      Resolve, to Assess the Condition of Historical Records in**  
**EMERGENCY      Maine Historical Records Repositories**

**LD 1020**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM	H-126
GAGNON		

Resolve 2001, chapter 10 requires the Secretary of State and the University of Maine System to plan for assessing the condition of historical records in Maine, the threats to the integrity of those records and accessibility of those records. The plan must include an educational component that provides assistance to historical records repositories in protecting, preserving

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and providing access to those materials. The law also directs the Secretary of State and the University of Maine System to report back to the Joint Standing Committee on Education and Cultural Affairs on that plan by February 1, 2002.

Resolve 2001, chapter 10 was finally passed as an emergency measure effective May 8, 2001.

### **RESOLVE 16    Resolve, Requiring the Maine Arts Commission to Review    LD 1133 the Feasibility of Establishing a Performing Artist Subsidy Program for Fairs**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS	OTP-AM	H-143

Resolve 2001, chapter 16 directs the Maine Arts Commission to consult with the Department of Agriculture, Food and Rural Resources, the Maine Association of Agricultural Fairs, the Maine Performing Arts Network and other interested parties to review the feasibility of establishing a program to provide grants to fairs to assist in paying the fees charged by artists who perform at fairs. The goals of the program are to assist fairs to pay for performing artists, to provide an incentive for fairs to choose local performing artists and to assist local artists to become more widely known through advertising and promotional events. The law directs the commission to report its findings by February 1, 2002 to the Joint Standing Committee on Education and Cultural Affairs and authorizes that committee to report out legislation on that subject to the Second Regular Session of the 120th Legislature.

### **RESOLVE 41    Resolve, Regarding Legislative Review of Chapter 182:    LD 1781 EMERGENCY    Formula for Distribution of Funds to Child Development Services Regional Sites, a Major Substantive Rule of the Department of Education**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Resolve 2001, chapter 41 authorizes final adoption of regulations concerning the formula for distribution of funds to the regional sites of the Child Development Services System, a provisionally-adopted, major substantive rule of the Department of Education. The rule governs the annual distribution of funds to regional intermediate educational units in accordance with a funding formula to ensure the provision of Childfind, early intervention services and special education and related services for eligible children from birth to under age 3.

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Resolve 2001, chapter 41 was finally passed as an emergency measure effective May 29, 2001.

**RESOLVE 47**   **Resolve, Regarding Legislative Review of Chapter 60:**   **LD 1783**  
**EMERGENCY**   **New School Siting Approval, a Major Substantive Rule of the**  
                  **Department of Education**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Resolve 2001, chapter 47 approves Chapter 60: New School Siting Approval, a major substantive rule of the State Board of Education within the Department of Education.

Resolve 2001, chapter 47 was finally passed as an emergency measure effective June 5, 2001.

**RESOLVE 48**   **Resolve, Regarding Legislative Review of Chapter 115,**   **LD 1802**  
**EMERGENCY**   **Part I, Section 8.5: Targeted Need Certificate, a Major**  
                  **Substantive Rule of the State Board of Education**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Resolve 2001, chapter 48 approves Chapter 115, Part I, Section 8.5: Targeted Need Certificate, a major substantive rule of the Department of Education, State Board of Education.

Resolve 2001, chapter 48 was finally passed as an emergency measure effective June 5, 2001.

**RESOLVE 50**   **Resolve, to Establish a Task Force to Examine the**   **LD 945**  
**EMERGENCY**   **Establishment and Implementation of State Standards for**  
                  **Indoor Air Quality in Maine Schools**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	OTP-AM	H-631

Resolve 2001, chapter 50 establishes the Task Force to Examine the Establishment and Implementation of State Standards for Indoor Air Quality in Maine Schools to examine the advisability of establishing and implementing indoor air quality standards for school

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facilities. The task force is to submit its report, including findings and recommendations, to the Joint Standing Committee on Education and Cultural Affairs and the Legislative Council by November 15, 2001. The law also authorizes the committee to report out a bill to the Second Regular Session of the 120<sup>th</sup> Legislature.

Resolve 2001, chapter 50 was finally passed as an emergency measure effective June 8, 2001.

**RESOLVE 55     Resolve, to Provide a Process for Amending the  
Cost-sharing Method Used in School Administrative  
District No. 33**

LD 994

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-285

Resolve 2001, chapter 55 provides for a process of so-called "final offer arbitration" as a means to revising the method of sharing costs between the municipalities of St. Agatha and Frenchville in the 2-member district of School Administrative District No. 33. The law provides that, notwithstanding the provisions of the Maine Revised Statutes, Title 20-A, section 1301, subsection 3, the Commissioner of Education may appoint an arbitrator to assist the representatives of School Administrative District No. 33 in the settlement of a dispute related to amending the cost-sharing formula between the 2 parties. The law also directs the State Board of Education to review the effectiveness of this alternative dispute resolution process, to evaluate the potential for alternative dispute resolution processes in encouraging 2-member districts to resolve disputes in reconsidering the method of sharing district costs and to report its findings and any recommendations to the Joint Standing Committee on Education and Cultural Affairs by April 15, 2002. The law further authorizes the committee to report out legislation regarding the alternative dispute resolution process to the Second Regular Session of the 120<sup>th</sup> Legislature.

**RESOLVE 66**    Resolve, to Establish the Blue Ribbon Commission on  
**EMERGENCY**    Postsecondary Educational Attainment

LD 1797

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH	OTP-AM	S-314
SAXL		S-389 GOLDTHWAIT

Resolve 2001, chapter 66 creates the Blue Ribbon Commission on Postsecondary Educational Attainment to study the impact of improving postsecondary educational attainment on the State's economy and assess the success of current efforts to improve educational attainment. The commission is to submit its report, together with a plan to

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improve the State's levels of associate's degree and bachelor's degree attainment and any necessary implementing legislation, to the Second Regular Session of the 120<sup>th</sup> Legislature.

Resolve 2001, chapter 66 was finally passed as an emergency measure effective June 28, 2001.

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### **PUBLIC 11      An Act to Implement the Recommendations of the Commission on Child Abuse**

**LD 27**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Public Law 2001, chapter 11 repeals the provision of law that sets forth the powers of the board of directors of the Maine Children's Trust Incorporated and enacts in its stead a provision that clarifies which of the functions are powers and which are duties. In addition, the bill assigns to the trust the following:

1. A permanent duty to develop plans with the child abuse and neglect councils to provide a stable base of funding for the councils at levels at least as high as the levels in the fiscal years 1999-00 and 2000-01 biennial budget; and
2. A one-time duty to develop a proposal along with the Department of Human Services, the child abuse and neglect councils, the Maine Association of Child Abuse and Neglect Councils and statewide organizations working to prevent child abuse and neglect to channel funding that is destined to the child abuse and neglect councils through the trust in order to maximize federal funding and qualify for matching funds in as high amounts as possible. The bill requires the Maine Children's Trust Incorporated to submit a report to the Second Regular Session of the 120th Legislature by January 15, 2002 on the proposal to maximize federal funding and to qualify for matching funds.

The bill clarifies the authority of the Department of Human Services, in the Child and Family Services and Child Protection Act, to take appropriate action, consistent with existing funding, to prevent child abuse and neglect.

### **PUBLIC 25      An Act to Clarify the Duties of the Maine Developmental Disabilities Council**

**LD 286**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS TURNER	OTP	

Public Law 2001, chapter 25 amends the laws governing the Maine Developmental Disabilities Council to specify that if the position of director of the council becomes vacant the council recruits and hires a director and that the council supervises and annually evaluates the director.

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### **PUBLIC 26      An Act to Clarify the Substance Abuse Law**

**LD 462**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN DAIGLE	OTP	

Public Law 2001, chapter 26 repeals the Long-term Narcotic Dependency Treatment Project since the federal government has ruled parts of it unconstitutional. It repeals a related section that was contingent on the commencement of the project.

### **PUBLIC 59      An Act to Encourage Smoke-free Hospitals in Maine**

**LD 371**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOVETT MILLS	OTP	

Public Law 2001, chapter 59 prohibits smoking in hospitals and state mental health institutes except in a designated smoking area. It gives these facilities the discretion to provide a designated smoking area for patient use.

### **PUBLIC 179      An Act to Amend the Law Governing the Child Care EMERGENCY Advisory Council and to Gather Data on Child Care Services in the State**

**LD 37**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM	S-92

Public Law 2001, chapter 179 amends the law governing the Child Care Advisory Council by changing the number of members on the council and by removing the language that prohibits subsequent consecutive terms for members. It specifies that the Child Care Advisory Council may identify the need for additional members, who will be appointed by the Governor.

Public Law 2001, chapter 179 was enacted as an emergency measure effective May 16, 2001.



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### **PUBLIC 185      An Act to Amend the Health Care Facility Immunization Laws      LD 1401**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE	OTP-AM	H-241

Public Law 2001, chapter 185 amends the law regarding immunization requirements for health care workers, adding an exemption from immunization requirements for health care workers for persons who decline hepatitis B vaccinations, as provided in federal Department of Labor, Occupational Safety and Health Administration, OSHA, law and regulations. It requires rules adopted by the Department of Human Services to be consistent with OSHA requirements.

### **PUBLIC 245      An Act to Further Protect the Rights of Persons with Mental Retardation or Autism      LD 1607**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER TURNER	OTP-AM	H-381

Public Law 2001, chapter 245 enhances protections afforded to persons with mental retardation or autism served by the Department of Mental Health, Mental Retardation and Substance Abuse Services. It updates the law by applying more modern and appropriate concepts regarding behavioral treatment and interventions. It redefines the situations in which a safety device may be used for a person receiving mental retardation services from the Department of Mental Health, Mental Retardation and Substance Abuse Services or through a program funded by the Department of Mental Health, Mental Retardation and Substance Abuse Services. It changes the composition of the group of persons who may approve the use of certain behavioral treatments.

### **PUBLIC 263      An Act to Amend the Licensing and Survey Requirements for Residential Care Facilities and Congregate Housing Services Programs      LD 1558**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP	

Public Law 2001, chapter 263 makes it possible for the Division of Licensing and Certification of the Department of Human Services to extend the licensing period up to 2

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years for residential care facilities and to allow flexibility with scheduling of surveys instead of requiring annual surveys in all cases.

### **PUBLIC 266     An Act Regarding Nursery School Rules**

**LD 1002**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP     MAJ	
	ONTP     MIN	

Public Law 2001, chapter 266 authorizes the Department of Human Services to adopt rules for the safe operation of nursery schools.

### **PUBLIC 279     An Act Concerning Standardized Contracts for Long-Term Care Services**

**LD 168**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-379

Public Law 2001, chapter 279 authorizes the Department of Human Services to develop and adopt rules to require the use of standardized contracts to be used for assisted living services.

### **PUBLIC 284     An Act to Study Long-term Care, Home and Community-based Care, Reimbursement Issues and Staffing Issues**

**LD 1510**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-206
KANE		

Public Law 2001, chapter 284 provides for a study by the Long-term Care Implementation Committee. This study, which will result in a report to the Joint Standing Committee on Health and Human Services by February 1, 2002, will address issues of home and community-based care, reimbursement under the Medicaid program and staffing issues.

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### **PUBLIC 293    An Act to Create the Healthy Maine Prescription EMERGENCY Program**

**LD 1790**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL MICHAUD MH	OTP-AM	H-520

Public Law 2001, chapter 293 requires the Department of Human Services to implement the Healthy Maine Prescription Program as the Medicaid prescription drug discount program authorized by federal law. The Elderly Low-Cost Drug program is made part of the Healthy Maine Prescription Program. The law authorizes expenditures for prescription drugs.

Public Law 2001, chapter 293 was enacted as an emergency measure effective May 25, 2001.

See also the Part II budget, LD 855, Public Law 2001, chapter 439, part YYYY, and LD 1830, enacted as an emergency measure effective June 28, 2001, Public Law 2001, chapter 467, Part B.

### **PUBLIC 303    An Act to Amend the Membership of the Substance Abuse Services Commission**

**LD 1417**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS MITCHELL B	OTP	

Public Law 2001, chapter 303 changes one membership position on the Substance Abuse Services Commission from nominations from the National Council on Alcoholism in Maine Incorporated, which is no longer functioning, to nominations from a statewide alliance for addiction recovery.

### **PUBLIC 335    An Act Concerning Eligibility for ASPIRE-TANF Participation in Households where an Individual has a Physical or Mental Health Disability**

**LD 479**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE PENDLETON	OTP-AM	H-491

Public Law 2001, chapter 335 establishes a procedure for the imposition of sanctions in the TANF and ASPIRE-TANF programs, requires reporting on the imposition of sanctions,

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requires a determination when a claim of good cause for nonparticipation is claimed and requires documentation of good cause claim determinations and the imposition of sanctions.

### **PUBLIC 338      An Act to Make Child Care More Accessible for      LD 1033** **Parents in Transition From Welfare to Work**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	H-493
LONGLEY		

Public Law 2001, chapter 338 provides for the determination of TANF benefit levels for TANF recipients who have child care costs. It allows TANF recipients to pay their child care costs themselves, with the assistance provided by the Department of Human Services, or they may elect to have the department's assistance paid directly to the child care provider. It requires the department to adopt rules to implement the childcare assistance provisions. These rules are routine technical rules. It requires the direct payment of childcare assistance to be implemented no later than March 1, 2002. It allows the transfer of funds from the ASPIRE-TANF account to the TANF account for the payment of childcare assistance.

### **PUBLIC 346      An Act to Continue the Privacy Protection of Health      LD 244** **Care Information**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP	
PENDLETON		

Public Law 2001, chapter 346 eliminates the sunset on the health care information privacy legislation adopted by the 119th Legislature.

### **PUBLIC 354      An Act to Update the Name of the Department of      LD 1562** **Mental Health, Mental Retardation and Substance** **Abuse Services**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE	OTP-AM      MAJ	H-518
TURNER	ONTP      MIN	

Public Law 2001, chapter 354 changes the name of the Department of Mental Health, Mental Retardation and Substance Abuse Services to the Department of Behavioral and Developmental Services.

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**PUBLIC 357      An Act to Amend the Laws Pertaining to Protection and      LD 1568**  
**Advocacy for Persons with Developmental or Learning**  
**Disabilities or Mental Illness**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN DAGGETT	OTP-AM	H-539

Public Law 2001, chapter 357 updates the laws relating to the advocacy system for persons with disabilities. It clarifies the obligations of mental health facilities and hospitals to notify the advocacy agency regarding reportable incidents.

See also Errors Bill, LD 30, Public Law 2001, chapter 471, Part D, for technical corrections to language.

**PUBLIC 362      An Act to Ensure Quality Home Care Coordination      LD 756**  
**Services and Improve Long-term Care Services**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE	OTP-AM	H-580

Public Law 2001, chapter 362 requires an agency that contracts to provide home care coordination for the Department of Human Services to establish a quality assurance review committee to review the provision of home care services. It specifies duties for the committee and to which entities the annual report must be provided. It adds 2 consumer or consumer advocate members to the Long-term Care Implementation Committee.

**PUBLIC 378      An Act Authorizing Patients to Designate Visitors      LD 1560**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BROMLEY	OTP-AM	H-578

Public Law 2001, chapter 378 allows patients in hospital units that restrict visitors to immediate family members to designate persons to be considered as immediate family members for the purpose of granting visitation rights during hospital visiting hours. It provides exceptions under which a hospital may deny visitation with patients to designated visitors. It requires designations of visitors to be noted in the patient's medical records. It requires the Department of Human Services to adopt rules to implement the provisions on designation of visitors.

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### **PUBLIC 379     An Act to Strengthen the Maine Rx Program**

**LD 478**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM     MAJ	H-249
TREAT	ONTP     MIN	

Public Law 2001, chapter 379 provides notice about prescription drug pricing and the Maine Rx Program when brand name prescription drugs are dispensed pursuant to prescription in Maine to persons without health coverage. A separate writing may be held to meet the requirements of the law.

See the Errors Bill, LD 30, enacted as Public Law 2001, chapter 471, Part E.

### **PUBLIC 394     An Act to Offer Greater Financial Incentives Promoting Quality Child Care**

**LD 216**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM     MAJ	S-291
BROOKS	ONTP     MIN	

The provisions of the Maine Revised Statutes, Title 22, section 3737, subsection 3 allow for a differential rate of compensation for childcare services for those providers that meet national standards for quality. Public Law 2001, chapter 394 changes language in existing law regarding the payment of childcare services differentials. It requires the payment of differentials from Child Care Development Fund quality funds for childcare services that meet recognized standards or make substantial progress towards meeting them. It defines substantial progress and limits payment of the differential to one year.

### **PUBLIC 404     An Act to Require That the Principles for Reimbursement for Private Nonmedical Institutions and Board and Care Institutions be Major Substantive Rules**

**LD 923**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS	OTP-AM	H-608
LONGLEY		

Public Law 2001, chapter 404 requires that rules concerning the principles for reimbursement for private, non-medical and board and care institutions be major substantive rules.

## *Health and Human Services*

### **PUBLIC 405     An Act to Recognize Exemplary Efforts to Lower the Cost of Prescription Drugs**

**LD 1722**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM	S-287

Public Law 2001, chapter 405 directs the Department of Human Services to publicize the names of the pharmaceutical companies that participate and do not participate in the Maine Rx Program, established in the Maine Revised Statutes, Title 22, section 2681, and the Elderly Low-Cost Drug program, established in Title 22, section 254.

Public Law 2001, chapter 405 takes effect on the date that prescription drug benefits are provided under the Maine Rx Program.

### **PUBLIC 407     An Act to Make Active Public Health Investigation Records Confidential**

**LD 1384**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM     MAJ ONTP     MIN	H-591

Public Law 2001, chapter 407 provides the Department of Human Services with discretion to withhold epidemiologic investigation records containing information about an identifiable individual from inspection and copying by the public during the data collection phase of the investigation in which the information was collected. The department's decision refusing the inspection and copying is not reviewable. The law restricts the release of records even if the subject of the records provides written authorization; this restriction applies until the data collection phase is completed.

### **PUBLIC 445     An Act to Extend the Youth in Need of Services EMERGENCY Oversight Committee**

**LD 1024**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
QUINT CATHCART	OTP-AM	H-207 S-390     GOLDTHWAIT

Public Law 2001, chapter 445 extends the work of the Youth in Need of Services Pilot Program and Oversight Committee until June 30, 2002. It limits the oversight committee to 3 meetings.

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Public Law 2001, chapter 445 was enacted as an emergency measure effective June 27, 2001.

### **PUBLIC 450     An Act to Increase Access to Health Care**

**LD 1303**

<u>Sponsor(s)</u>	<u>Committee Report</u>		<u>Amendments Adopted</u>
SAXL	OTP-AM	MAJ	H-757 KANE
MARTIN	OTP-AM	MIN	

Public Law 2001, chapter 450 contains a number of provisions to expand access to health care and increase the cigarette tax. This bill also does the following:

1. It provides eligibility for Medicaid coverage to noncategorically eligible adults with incomes up to 100% of the federal nonfarm official poverty line and directs the Department of Human Services to apply for a Medicaid waiver;
2. It provides for an enrollment period in the Cub Care program of 12 months;
3. It provides asset exemptions in the Medicaid program for adults for certain 2nd vehicles and savings accounts for a single person or married person living alone of \$8,000 and for married persons living together of \$12,000;
4. It provides for 12-month enrollment periods in the Medicaid program for children and for adults to the extent possible under federal law or pursuant to a waiver;
5. It establishes the Maine Health Access Fund to receive certain unexpended balances;
6. It appropriates \$410,000 and \$10,000 for rural healthcare and \$824,150 and \$75,000 for services in health centers and clinics and to provide subsidies for persons in community health access programs;
7. It increases the tobacco tax by 25 mills per cigarette, which equals 50¢ for each package of cigarettes, beginning October 1, 2001; and
8. It renames the Medicaid and Cub Care programs the MaineCare program.



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### **PUBLIC 456    An Act to Create the Maine Health Data EMERGENCY   Processing Center**

**LD 1304**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER RAND	OTP-A	H-723

Public Law 2001, chapter 453 establishes the Maine Health Data Processing Center, a nonprofit organization, to collect and process health care claims data in Maine. The center is created as a public/private partnership that can capitalize on the interests, resources and efforts of each sector. The center carries out its responsibilities with direction from the Maine Health Data Organization and the Maine Health Information Center, a private nonprofit health care data organization.

All data handled by the center remains the property of the Maine Health Data Organization. The center is subject to the Freedom of Access law, the Maine Revised Statutes, Title 1, chapter 13, subchapter I. The law repeals the chapter of law that establishes and governs the center on September 1, 2005.

Public Law 2001, chapter 456 was enacted as an emergency measure effective June 28, 2001.

### **PUBLIC 457    An Act to Amend the Maine Health Data EMERGENCY   Organization Laws**

**LD 1310**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND FULLER	OTP-A	S-360 S-362 RAND

Public Law 2001, chapter 457 makes a number of technical corrections to the Maine Health Data Organization laws and repeals language that is outdated. In addition, this law eliminates the restriction that the identification of health care practitioners be kept confidential in Maine Health Data Organization public data sets. This law requires 3rd party administrators of health care plans to submit clinical and claims data that are currently required of all other health care providers and payors. This law also modifies the Department of Professional and Financial Regulation statutes to require 3rd-party administrators of health care plans to submit additional reporting information to the Bureau of Insurance.

This law clarifies that a regulated insurance entity or organization may disclose personal information about a consumer to a state governmental entity only insofar as necessary for that entity to perform its duties when reporting is required or authorized by law.

Public Law 2001, chapter 457 was enacted as an emergency measure effective June 28, 2001.

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### **PUBLIC 464     An Act to Ensure Appropriate Audit Procedures**

**LD 246**

Sponsor(s)

Committee Report  
OTP - A

Amendments Adopted  
H-664

Public Law 2001, chapter 464 prohibits the Department of Human Services from proceeding with an audit initiative under the Medicaid program in which a private vendor is engaged or any vendor is paid on a contingent fee basis to pursue alleged overpayments to health care providers in Maine. Also, the law requires the department to disclose to the public any mathematical algorithm used in an audit.

The law contains an effective date of July 1, 2003.

### **PUBLIC 467     An Act Concerning Tax Anticipation Votes and EMERGENCY     Authorizing Expenditures for Funding Ensuring                               Pharmaceutical Benefits Programs**

**LD 1830**

Sponsor(s)  
BERRY  
GOLDTHWAIT

Committee Report

Amendments Adopted

Public Law 2001, chapter 467 does the following:

1. Makes certain changes in the laws regarding tax anticipation notes; and
2. Authorizes spending for prescription drug programs from other similar programs, providing flexibility in the event that coverage is interrupted by litigation.

Public Law 2001, chapter 467 was enacted as an emergency measure effective June 28, 2001.

### **P & S 22             An Act to Implement Recommendations of the Joint                               Advisory Committee on Select Services for Older Persons**

**LD 641**

Sponsor(s)  
KANE  
PENDLETON

Committee Report  
OTP-AM

Amendments Adopted  
H-377

Private and Special Law 2001, chapter 22 directs the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services to review

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and revise their rules to improve access to and the delivery of services. It requires reports by February 1, 2002 regarding these issues and semiannual reports on access to and delivery of services beginning February 1, 2003.

**P & S 31            An Act to Provide for the Transfer of Assets of Hospital            LD 716**  
**EMERGENCY    Administrative District No. 1 to a Nonprofit, Nonstock**  
**Private Corporation**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR CATHCART	OTP-AM	H-624

Private and Special Law 2001, chapter 31 allows Hospital Administrative District No. 1, which operates Penobscot Valley Hospital, to transfer its assets to a nonprofit, nonstock private corporation. The transfer will relieve the current towns in the district from potential liabilities of the hospital and enable the hospital to improve its facilities to better serve the people located in its service area without any financial obligations for the towns formerly comprising the district. The amendment provides for the transfer process.

Private and Special Law 2001, chapter 31 was enacted as an emergency measure effective when certification of dissolution is filed with the Secretary of State under the terms of the law.

**P & S 36            An Act to Ensure Access to Assisted Living Services            LD 853**  
**EMERGENCY    Programs**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE GAGNON	OTP-AM	H-489 H-508 KANE S-392 GOLDTHWAIT

Private and Special Law 2001, chapter 36 establishes the 21 member Commission to Study Assisted Living to study assisted living options and report to the Joint Standing Committee on Health and Human Services by December 5, 2001.

Enacted as an emergency, this law takes effect June 27, 2001.

## *Health and Human Services*

**RESOLVE 5**      **Resolve, Regarding Legislative Review of Chapter**      **LD 6**  
**EMERGENCY (unassigned): Rules Providing for the Licensing of**  
**Child Placing Agencies With and Without Adoption**  
**Programs, Addition of Home Certification Process, a**  
**Major Substantive Rule of the Department of Human**  
**Services, Community Services Center**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-40

Resolve 2001, chapter 5 provides for legislative review of Chapter (unassigned): Rules Providing for the Licensing of Child Placing Agencies With and Without Adoption Programs, Addition of Home Certification Process, a major substantive rule of the Department of Human Services, Community Services Center.

The resolve adds a requirement that a decision to grant or deny an application for certification as a preadoptive home must be made within 30 days of the completion of an application. It allows an additional 30-day time period for the best interests of the child.

Resolve 2001, chapter 5 was passed as an emergency measure effective April 11, 2001.

**RESOLVE 25**      **Resolve, to Coordinate and Improve Access To**      **LD 540**  
**Health Care for Women**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACOBS	OTP-AM	H-242
TREAT		

Resolve 2001, chapter 25 directs the Department of Human Services, Bureau of Health to establish a coordinator for women's health services and build partnerships with community-based organizations, academic institutions and federal agencies. The resolve also allocates funds for such a position, contingent on the receipt of federal funds for that purpose.

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### **RESOLVE 26    Resolve, Directing the Bureau of Health to Develop a Comprehensive Plan for the Detection and Treatment of Hepatitis C**

**LD 686**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRUNO GOLDTHWAIT	OTP	

Resolve 2001, chapter 26 directs the Department of Human Services, Bureau of Health to develop a comprehensive plan for detection and treatment of hepatitis C.

### **RESOLVE 38    Resolve, to Create a State-run Pharmacy Benefits Manager**

**LD 921**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE TREAT	OTP-AM    MAJ ONTP       MIN	H-251

Resolve 2001, chapter 38 authorizes the Department of Human Services to undertake the functions of pharmacy benefits management. It requires the department to report to the Joint Standing Committee on Health and Human Services regarding any actions taken by the department with regard to the functions of pharmacy benefits management. The report must include recommendations for future action by the department and information on necessary action by the Legislature.

### **RESOLVE 39    Resolve, to Expand Access to Certified Nursing Assistant Training Programs**

**LD 441**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER DAGGETT	OTP-AM	H-378

Resolve 2001, chapter 39 expands access to certified nursing assistant training programs by requiring the Department of Human Services, the Department of Education and the State Board of Nursing to expand their policies, procedures, forms and any other necessary documents to allow a student's employer to pay the full cost of the program, to allow a student's employer to pay the student for time spent taking classes and to allow a student to be employed by the clinical training site or any other health care facility during nursing assistant training courses. It specifies that the changes in rules required for training for certified nursing assistants must be compatible with federal law and regulation. This resolve

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specifies that the Department of Human Services is not obligated for additional costs. This resolve also requires the Department of Human Services, the Department of Education and the State Board of Nursing to report to the Joint Standing Committee on Health and Human Services by November 1, 2001.

**RESOLVE 44**   **Resolve, Regarding Legislative Review of Section 4.04K**   **LD 1782**  
**EMERGENCY**   **of Chapter 4: Regulations for Licensing/Certifying of**  
**Substance Abuse Treatment Programs in the State of**  
**Maine, a Major Substantive Rule of the Department of**  
**Mental Health, Mental Retardation and Substance Abuse**  
**Services**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-540

Resolve 2001, chapter 44 provides for legislative review of Section 4.04K of Chapter 4: Regulations for Licensing/Certifying of Substance Abuse Treatment Programs in the State of Maine, a major substantive rule of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Resolve 2001, chapter 44 was passed as an emergency measure effective May 31, 2001.

**RESOLVE 54**   **Resolve, to Ensure Comprehensive and Accurate**   **LD 172**  
**Medical Eligibility Assessments**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE TURNER	OTP-AM	H-660

Resolve 2001, chapter 54 requires the Department of Human Services to amend the rules regarding medical eligibility assessments under the Medicaid program and state long-term care programs in order to ensure that the assessments are comprehensive and accurate. The rules must provide that in completing the assessment the nurse assessor exercises professional judgment and considers documentation, observation and interviews with the consumer, family members, direct care staff, the consumer's physician and other individuals as determined to be appropriate. Rules adopted pursuant to this resolve are major substantive rules.

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**RESOLVE 56    Resolve, Regarding Pharmacists and Pharmaceuticals    LD 1816**  
**Benefits**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL FULLER		

Resolve 2001, chapter 56 requires the Department of Professional and Financial Services to study including pharmacists as practitioners in the Maine Health Security Act and requiring standardized pharmaceutical benefits identification cards.

This resolve is derived from LD 1651.

# RESOLVE 63      **Resolve, Extending the Reporting Deadline for the Maine Millennium Commission on Hunger and Food Security**      LD 1021

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	OTP-AM	H-147 S-381 GOLDTHWAIT

Resolve 2001, chapter 63 clarifies the reporting dates for the Maine Millennium Commission on Hunger and Food Security and requires a final report by December 5, 2001.





## *Inland Fisheries and Wildlife*

### **PUBLIC 6      An Act to Allow the Transfer of a Valid Turkey Permit to a Juvenile or Senior Citizen      LD 54**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURPHY E	OTP	

Public Law 2001, chapter 6 allows an adult holding a valid turkey permit to transfer that permit to a juvenile or person 65 years of age or older.

### **PUBLIC 30      An Act Regarding the Enforcement of Laws in the Maine Revised Statutes, Title 12 by Passamaquoddy Wardens      LD 107**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH	OTP-AM	H-25

Public Law 2001, chapter 30 provides that wardens of the Passamaquoddy Tribe within the Passamaquoddy Indian Territory may qualify to be granted the powers of game wardens outside the Passamaquoddy Indian Territory.

### **PUBLIC 37      An Act to Expand the Lifetime Hunting License      LD 69**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM	H-20
MARTIN		H-45    DUNLAP

Public Law 2001, chapter 37 requires the Department of Inland Fisheries and Wildlife to include in its recommendations for a lifetime hunting and fishing license the feasibility of an addition to that license allowing the license holder to hunt with a bow. This public law also requires the department to include muzzle-loader opportunities in its recommendations to the joint standing committee.

Public Law 2001, chapter 37 establishes an archery-hunting license as a type of resident lifetime license that may be purchased and provides for an option to purchase a combination of all 3 lifetime license.

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### **PUBLIC 49      An Act Concerning Commercial Shooting Areas EMERGENCY**

**LD 166**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRACY MCALEVEY	OTP-AM	H-58

Public Law 2001, chapter 49 allows commercial shooting areas to stock Hungarian partridge and removes the requirement that game birds used by commercial shooting areas possess leg bands. This public law clarifies the distance required between commercial shooting areas, the license issuance and renewal requirements, adds certain operational requirements and sets fees for operating a commercial shooting area.

Public Law 2001, chapter 49 was enacted as an emergency measure effective April 12, 2001.

### **PUBLIC 55      An Act to Clarify the Testing Process for the Licensing of Guides**

**LD 586**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY DUNLAP	OTP-AM	S-24

Public Law 2001, chapter 55 adds a member to the Advisory Board for the Licensing of Guides and authorizes the board to designate certain persons to assist in the oral examination process and provides for compensation for persons so designated by the board.

Public Law 2001, chapter 55 was enacted as an emergency measure effective April 12, 2001.

### **PUBLIC 56      An Act to Amend Certain Provisions of Maine's Wild Turkey Hunting Season**

**LD 347**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HONEY MARTIN	OTP-AM	H-59

Public Law 2001, chapter 56 repeals the specified dates for the State's wild turkey hunting season and allows the Commissioner of Inland Fisheries and Wildlife to establish an open season. In addition, this Public Law clarifies the law pertaining to eligibility to apply for permits to be consistent with moose permit applicants as well as giving the commissioner the authority to give special consideration to landowners, such as establishing a landowner

## *Inland Fisheries and Wildlife*

permit drawing by rule. Finally, this Public Law removes the requirement that alternative hunters be chosen to receive turkey permits in the event selected hunters do not obtain their turkey permits.

### **PUBLIC 131     An Act to Provide an Extra Hunting Opportunity for Junior License Holders     LD 55**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHICK CARPENTER	OTP-AM	H-183

Public Law 2001, chapter 131 authorizes the Commissioner of Inland Fisheries and Wildlife to establish by rule deer hunting for youths.

### **PUBLIC 146     An Act to Ensure that Fishways on Inland Waters are Working     LD 151**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HONEY	OTP-AM	H-182

Public Law 2001, chapter 146 requires the Department of Inland Fisheries and Wildlife to check fishways annually and requires the Commissioner of Inland Fisheries and Wildlife to establish a program to ensure inland fishways are functioning correctly and to do so in cooperation with the Department of Marine Resources and the Atlantic Salmon Commission. This public law also requires the department to adopt rules to establish a schedule of fines for violations involving the improper operation of a fishway.

### **PUBLIC 191     An Act to Exempt from the Definition of "Watercraft" Permanently Affixed Boats     LD 440**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER GAGNON	OTP	

Public Law 2001, chapter 191 amends the definition of "watercraft" in the laws governing inland fisheries and wildlife to specifically exclude watercraft that are permanently docked in one location and are not used as a means of transportation on water.

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### **PUBLIC 198     An Act to Clarify the Rights of Residents Within Wildlife Sanctuaries     LD 655**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER G LEMONT	OTP-AM	H-259

Public Law 2001, chapter 198 repeals the ban on possession of hunting implements in wildlife sanctuaries.

### **PUBLIC 199     An Act to Clarify Laws Pertaining to Nuisance Wildlife     LD 587**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY DUNLAP	ONTP     MAJ OTP-AM     MIN	S-84

Public Law 2001, chapter 199 makes several changes to the section of law that deals with nuisance animals and depredation permits for landowners, farmers and orchard owners. Specifically, Public Law 2001, chapter 199 requires that a wild animal be located within the crop or orchard where substantial damage is occurring before it can be harvested as a nuisance animal. This public law allows a person to employ someone outside of the immediate family to take or kill wild animals so long as that person first contacts a game warden to arrange for a person to alleviate the damage. Additionally, this public law prohibits certain persons from being eligible to receive permission to take or kill a wild nuisance animal.

Public Law 2001, chapter 199 provides that the cultivator, owner, mortgagee or keeper of the crop or orchard is entitled to ownership of the carcass, not the person who harvested the animal, and provides that the owner of the carcass may transfer possession of the carcass to another person in accordance with labeling requirements for deer, bear and moose. This public law limits the wild animals that must be properly cared for to deer, bear and moose. Finally, this public law authorizes the commissioner to issue a permit to a person entrusted with the custody of a beekeeper's beehives allowing that person to protect the beehives from bear damage.

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**PUBLIC 200      An Act to Restrict the Commercial Harvest of Snapping      LD 1078**  
**Turtles in Order to Ensure Sustainability of the Resource**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP LEMONT	OTP	

Public Law 2001, chapter 200 clarifies the rule-making authority of the Commissioner of Inland Fisheries and Wildlife to regulate the commercial harvest of snapping turtles, including establishing a season, size and possession limits, a fee schedule and reporting requirements.

**PUBLIC 202      An Act to Amend the Hunting Laws Relating to Blaze      LD 1213**  
**Orange**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODCOCK	OTP-AM	S-116

Public Law 2001, chapter 202 requires that the article of clothing worn around a hunter's torso during the open firearm season must be a minimum of 50% hunter orange and that a solid-colored hunter orange hat must be worn.

**PUBLIC 204      An Act to Permit the Department of Inland Fisheries      LD 992**  
**and Wildlife to Accept Gifts for the Benefit of Wildlife**  
**Protection and Conservation**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMALL ETNIER	OTP-AM	S-117

Public Law 2001, chapter 204 allows a state agency to conduct no more than 2 raffles annually of donated items to benefit fish and wildlife conservation projects.

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### **PUBLIC 223     An Act Concerning Disabled Hunters, Trappers and Anglers**

**LD 1785**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Public Law 2001, chapter 223, which was a committee bill, allows the Commissioner of Inland Fisheries and Wildlife to authorize special exceptions for individuals with a permanent physical disability that allow those persons to lawfully hunt, trap or fish at times or in a manner that would otherwise be prohibited by law.

### **PUBLIC 227     An Act to Require State Approval Prior to Introducing Wolves into Maine**

**LD 736**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM     MAJ	H-348
MARTIN	ONTP        MIN	

Public Law 2001, chapter 227 prohibits the release of wolves in the State without the prior approval of both Houses of the Legislature and the Commissioner of Inland Fisheries and Wildlife.

### **PUBLIC 241     An Act to Implement Municipal Recommendations Regarding Surface Water Use on Great Ponds**

**LD 1787**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP        MAJ	
	ONTP       MIN	

Public Law 2001, chapter 241, which was reported out of committee pursuant to joint order, prohibits the use of personal watercraft on Meetinghouse Pond, Big Pond, Wat Tuh Lake, Center Pond and Silver Lake, also known as Silver Pond, in the Town of Phippsburg, Sagadahoc County; South Branch Lake in the Plantation of Seboeis and the Township T2 R8 NWP, Penobscot County; Spring Lake, in Spring Lake Township, Somerset County; Kennebago Lake and Kennebago River in Davis Township and Stetsontown Township, Franklin County; and Nicatous Lake, in the Townships of T40 MD, T41 MD and T3 ND in Hancock County.

Chapter 241 was later repealed by section D-28 of Public Law 2001, chapter 471, the Judiciary Committee's "Errors and Omissions" bill, and re-enacted in that bill as an

## *Inland Fisheries and Wildlife*

emergency measure so that these provisions would take effect prior to the 2001 boating season.

### **PUBLIC 254     An Act to Change the Snowmobile Registration Rates     LD 1294 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK	OTP-AM     MAJ	H-346
	OTP-AM     MIN	H-435     DUNLAP

Public Law 2001, chapter 254 increases resident and nonresident snowmobile registration rates by \$5 and dedicates that amount to a special fund administered by the Off-Road Vehicle Division of the Department of Conservation, Bureau of Parks and Lands to assist any entity that has a snowmobile trail-grooming contract with the bureau in the purchase of trail-grooming equipment

Public Law 2001, chapter 254 was enacted as an emergency measure effective July 1, 2001.

### **PUBLIC 269     An Act to Clarify Laws Pertaining to the Permit     LD 1726 Process for Wildlife Possession**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM	H-385
CARPENTER		

Public Law 2001, chapter 269 amends the section of the Maine Revised Statutes, Title 12 that deals with possessing, breeding, exhibiting, purchasing, selling, importing and transporting wildlife. This Public Law repeals 14 sections of Title 12 and places them into one section with the issuance, fees, rule-making authority and permit administration being addressed. This Public Law also authorizes the Department of Inland Fisheries and Wildlife to adopt rules for each specific permit.

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### **PUBLIC 270     An Act to Clarify the Laws Pertaining to Licensing Requirements for Landowners**

**LD 348**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP     MAJ	
KILKELLY	ONTP     MIN	

Public Law 2001, chapter 270 clarifies that any person whose hunting, fishing or trapping license is under revocation or suspension may not hunt, fish or trap on land owned by that person or that person's family while the license is under suspension or revocation.

### **PUBLIC 289     An Act to Clarify the Unlawful Use of Snowmobile Trails**

**LD 1579**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM     MAJ	S-176
	ONTP     MIN	

Public Law 2001, chapter 289 clarifies that it is unlawful to operate a motorized vehicle other than a snowmobile and appurtenant equipment at any time of the year on a snowmobile trail that is financed in whole or in part with funds from the Snowmobile Trail Fund.

### **PUBLIC 294     An Act to Facilitate the Implementation of Maine's On-line Sportsman's Electronic System**

**LD 1796**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		H-406     DUNLAP

Public Law 2001, chapter 294 makes changes to the laws regarding agents, agent fees and watercraft, snowmobile and ATV registrations in order to facilitate the transition to Maine's On-line Sportsman's Electronic System, MOSES. This public law authorizes the Commissioner of Inland Fisheries and Wildlife to appoint agents to issue trapping licenses and sets fees that can be charged by agents and department employees for issuing trapping licenses.

Public Law 2001, chapter 294 provides that the commissioner may appoint agents other than municipal clerks or persons designated by a municipality to issue watercraft, snowmobile and ATV registrations and sets fees that agents can charge for issuing these registrations. This public law requires the commissioner penalize agents who issue watercraft, snowmobile or



## ***Inland Fisheries and Wildlife***

ATV registrations that are delinquent in forwarding the commissioner's funds to the commissioner by a date set forth by rule.

Public Law 2001, chapter 294 provides that anyone who obtains an original snowmobile or ATV registration after March 31st may pay \$30 or \$15, respectively, to receive a registration that covers the remainder of the year plus an additional year. The same opportunity is provided for anyone obtaining an original watercraft registration after September 30th, in which case the person pays 125% of the registration fee.

<b>PUBLIC 296</b>	<b>An Act to Authorize the Commissioner of Inland Fisheries and Wildlife to Extend the Deer Hunting Season</b>	<b>LD 1418</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP KILKELLY	OTP-AM	H-436

Public Law 2001, chapter 296 allows the Commissioner of Inland Fisheries and Wildlife to set an open deer season between September 15th and December 15th annually and provides that the regular season must start no later than the 4th Monday preceding Thanksgiving in years when the regular season extends beyond November 30th.

<b>PUBLIC 307</b>	<b>An Act to Clarify Certain Laws Relating to the Harvesting of Wild Animals</b>	<b>LD 1193</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP KILKELLY	OTP-AM	H-292 H-426 DUNLAP

Public Law 2001, chapter 307 requires animal control officers to possess a trapping license prior to setting traps for wild animals and clarifies that it is legal to use snares for animal damage control purposes. It also removes pivot and swivel guns from the list of prohibited implements. This public law amends the list of exceptions to the trapping laws and exempts trappers who use drowning sets placed in navigable rivers or streams or on state-owned land and right of ways from the requirement of first obtaining written permission from the landowner or occupant but clarifies that the law does not authorize a person to trap on property that is owned by another person. This public law also adds "trapping license" to the list of complimentary licenses for which disabled veterans are eligible.

## *Inland Fisheries and Wildlife*

### **PUBLIC 331      An Act to Amend the Laws Governing the Suspension      LD 1464 and Revocation of Hunting and Fishing Licenses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MUSE K FERGUSON	OTP-AM	S-218 CARPENTER

Public Law 2001, chapter 331 repeals the prohibition on hunting and possessing caribou and repeals mandatory license revocation for hunting caribou. This Public Law removes the requirement that a person whose license has been revoked must successfully complete a firearms training program or an ethics program before becoming eligible to obtain a new license. Additionally, this Public Law allows the Commissioner of Inland Fisheries and Wildlife to waive or reduce mandatory minimum suspension periods established in statute under certain circumstances and requires the commissioner to revoke a license of a person who is convicted of any violation under Title 17-A and sets minimum revocation periods. This Public Law also allows for twice the general bag limit for certain species of fish and removes the mandatory license revocation requirement for fishing by jigging.

### **PUBLIC 351      An Act Concerning Lifetime Licenses and      LD 734 Complimentary Licenses for Residents over 70 Years of Age**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM    MAJ ONTP       MIN	H-565

Public Law 2001, chapter 351 requires the Department of Inland Fisheries and Wildlife to discontinue issuing a complimentary license to hunt, trap or fish to a resident over 70 years of age by January 1, 2006. This public law provides the holder of a senior lifetime license who turns 70 years of age to privileges extended under a complimentary license. Additionally, this public law allows a person 70 years of age or older who does not hold a senior lifetime license to purchase one that includes all of the additional privileges for \$8.

## *Inland Fisheries and Wildlife*

### **PUBLIC 387    An Act to Revise Certain Provisions of Maine's Fish and    LD 1692** **EMERGENCY   Wildlife Laws**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER DUNLAP	OTP-AM	H-611   DUNLAP S-187 S-268   GAGNON

Public Law 2001, chapter 387 makes changes to the State's fish and wildlife laws, including the following:

1. It clarifies the duties of the Division of Public Information and Education within the Department of Inland Fisheries and Wildlife;
2. It changes specifications required for bows used during special archery season on deer;
3. It changes certain provisions related to moose hunting;
4. It allows the introduction of otherwise illegal fish or fish spawn into a private pond for fishing events held in conjunction with educational or special programs sanctioned by the Department of Inland Fisheries and Wildlife;
5. It requires that watercraft accidents involving damage only to watercraft or other property to the estimated amount of \$1,000 or more must be reported;
6. It clarifies certain provisions related to the operation and rental or lease of personal watercraft;
7. It clarifies certain provisions related to the registration and operation of a snowmobiles and all-terrain vehicles;
8. It enacts language to allow the Commissioner of Inland Fisheries and Wildlife to sell general merchandise and accept donations of money, goods and services;
9. It allows individuals under 10 years of age to participate in hunting as long as they do not carry a firearm;
10. It clarifies when a person may shoot from a motorboat and adds language to clarify a citation;
11. It provides for staggered terms for members of the whitewater guides advisory board so that not all terms expire at the same time;
12. It corrects several provisions of law to decriminalize certain fish and wildlife violations;
13. It repeals the requirement that the Department of Inland Fisheries and Wildlife adopt by rule a schedule of fines for the improper operation of a fishway; and
14. It removes the enforcement of the laws concerning sales of snowmobiles and all-terrain vehicles from the jurisdiction of the game wardens and places the provisions with the franchise laws.

Public Law 2001, chapter 387 was enacted as an emergency measure effective June 12, 2001.

## *Inland Fisheries and Wildlife*

### **PUBLIC 424     An Act to Change the Snowmobile Registration Laws**

**LD 335**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY DUNLAP	OTP-AM	S-133

Public Law 2001, chapter 424 requires all nonresidents who snowmobile in Maine to register their snowmobiles in Maine. Snowmobiles and grooming equipment registered to snowmobile clubs, municipalities or counties from a bordering state or province that are engaged in trail grooming activities are excluded from this requirement. Additionally, this Public Law excludes federal and state snowmobiles and grooming equipment from the registration requirement and authorizes the Commissioner of Inland Fisheries and Wildlife to designate a weekend when snowmobiles registered out-of-state may be operated in Maine.

### **PUBLIC 462     An Act to Establish for an Additional Two Years the EMERGENCY Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine**

**LD 1732**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODCOCK	OTP-AM	H-573 S-180 S-386

Public Law 2001, chapter 462, Part A, creates a fish hatchery maintenance fund within the Department of Inland Fisheries and Wildlife to be used by the Commissioner of Inland Fisheries and Wildlife to fund or assist in funding maintenance, repair or capital improvements at fish hatcheries and feeding stations owned by the State. This Public Law also transfers unexpended funds appropriated by the 119th Legislature for engineering analyses of fish hatcheries to the fish hatchery maintenance fund and further provides that expenses for four meetings in 2001-02 and four meetings in 2002-03 of the commission including the per diem expenses for legislators attending commission meetings, be paid from this fund.

Part B of this Public Law authorizes for an additional 2 years a study commission originally established by the 119th Legislature by Resolve 1999, chapter 82. The purpose of this commission is to study the needs and opportunities associated with the production of salmonid sport fish in this State. Part B also appoints all the members of the commission originally appointed in 1999, except that it requires the President of the Senate to appoint 2 additional members of the Senate, the Speaker of the House to appoint one member and requires the Governor to fill 2 vacancies among public members appointed by the Governor in 1999.

## ***Inland Fisheries and Wildlife***

Public Law 2001, chapter 462, was enacted as an emergency measure effective June 28, 2001.

### **RESOLVE 1      Resolve, to Simplify the System of Licenses Issued by the      LD 76** **Department of Inland Fisheries and Wildlife**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP MARTIN	OTP	

Resolve 2001, chapter 1 directs the Department of Inland Fisheries and Wildlife to design a system to consolidate and simplify license categories and fees and to submit its proposal to the Second Regular Session of the 120th Legislature.

### **RESOLVE 6      Resolve, to Require the Building of a Full Boat      LD 190** **Launch on the Northern End of Cobbosseecontee Lake**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER TREAT	OTP-AM	H-26

Resolve 2001, chapter 6 requires the Department of Inland Fisheries and Wildlife to develop a full access boat launch and docking area with accompanying parking facilities at the existing boat launching site on the northern end of Cobbosseecontee Lake.

### **RESOLVE 8      Resolve, Directing the Department of Inland Fisheries      LD 229** **and Wildlife to Submit a Proposal to Encourage the** **Harvest of Coyotes**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHICK	OTP-AM	H-98

Resolve 2001, chapter 8 requires the Department of Inland Fisheries and Wildlife to review its animal damage control program, in consultation with the department's regional coyote snaring steering committees and to report back its findings and proposed plans to implement those findings to the Joint Standing Committee on Inland Fisheries and Wildlife by October 1, 2001. This resolve requires the department to implement its proposed plans during the 2001-02 winter in areas where predation by coyotes poses a threat to deer.

## *Inland Fisheries and Wildlife*

**RESOLVE 33**    **Resolve, Directing the Department of Inland Fisheries and Wildlife to Conduct a Programmatic Review of the State's Inland Fisheries Management Program**    **LD 1317**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH DUNLAP	OTP-AM    MAJ ONTP       MIN	S-163

Resolve 2001, chapter 33 creates a commission to examine the fisheries program of the Department of Inland Fisheries and Wildlife.

**RESOLVE 40**    **Resolve, Regarding Legislative Review of Chapter 21:**    **LD 1776**  
**EMERGENCY**    **Licensing and Registration Agents, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Resolve 2001, chapter 40 approves Chapter 21: Licensing and Registration Agents, a major substantive rule of the Department of Inland Fisheries and Wildlife.

Resolve 2001, chapter 40 was enacted as an emergency measure effective May 29, 2001.

**RESOLVE 68**    **Resolve, to Extend the Commission to Study Equity**    **LD 28**  
**EMERGENCY**    **in the Distribution of Gas Tax Revenue Attributable to Snowmobiles, All-Terrain Vehicles and Watercraft**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM	

Resolve 2001, chapter 68, authorizes for an additional year, until December 6, 2001, the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft. That commission was originally authorized during the Second Regular Session of the 119th Legislature pursuant to Resolve 1999, chapter 131. This resolve requires the commission to report back to the legislature no later than December 5, 2001.

This resolve reappoints the 5 ex officio members of the commission appointed during the 119th Legislature and retains the legislative members appointed during the 119th Legislature who are now members of the 120th Legislature. Members who were

## *Inland Fisheries and Wildlife*

appointed as legislative members in 1999 but who are no longer members of the Legislature are entitled to serve as ad hoc members of the commission during 2001.

This resolve carries forward all unexpended balances appropriated in Resolve 1999, chapter 131, to be used by the commission during 2001 to complete its responsibilities and prohibits the commission from spending more money than is carried forward pursuant to section 9 of this resolve.

Resolve 2001, chapter 68, was enacted as an emergency measure effective June 28, 2001.

**PASSED                      JOINT ORDER – To Recodify the Maine Revised                      HP 613**  
**Statutes Title 12, Chapters 701 to 721**

Sponsor(s)  
DUNLAP

Committee Report  
OTP

Amendments Adopted

HP 613 requires the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to jointly prepare a bill for submission to the Joint Standing Committee on Inland Fisheries and Wildlife to the Second Regular Session of the 120<sup>th</sup> Legislature that recodifies the Maine Revised Statutes Title 12, Chapters 701 to 721 to eliminate archaic terms and confusing language, update cross-references and make non-substantive technical changes to improve the readability and accessibility of Title 12, Chapters 701 to 721. HP 0613 directs the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to work with the Department of Inland Fisheries and Wildlife and the District Attorney's offices in preparing the proposed recodification and to submit the proposed recodification to the Joint Standing Committee on Inland Fisheries and Wildlife by January 15, 2002.





## *Judiciary*

### **PUBLIC 12      An Act to Correct the Judicial Retirement Laws EMERGENCY   Regarding Administrative Court Judges**

**LD 561**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP	

Public Law 2001, chapter 12 corrects inadvertent revisions to judicial retirement laws caused by the merging of the Administrative Court with the District Court. Public Law 2001, chapter 12 ensures that the judicial retirement laws continue to cover retired Administrative Court judges.

Public Law 2001, chapter 12 was enacted as an emergency measure effective April 6, 2001.

### **PUBLIC 17      An Act to Provide Uniformity and Consistency in the Appeals from the Trial Courts to the Law Court**

**LD 559**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP	

Public Law 2001, chapter 17 allows the Supreme Judicial Court to set, by rule, the time periods and conditions for direct appeals of civil cases from the District and Superior Courts to the Law Court. Statutes regarding appeals by criminal defendants already provide that time periods and manner of appeal are set by rule.

### **PUBLIC 50      An Act to Provide the Right to a Jury Trial in Civil Actions   LD 56 for Civil Rights Violations**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	OTP-AM	H-73

Public Law 2001, chapter 50 provides that a person has a right to a jury trial in a civil action by the Attorney General or by an aggrieved person under the Maine Civil Rights Act. The right to a jury trial does not apply to a hearing on an application for a temporary restraining order or a preliminary injunction. The law also specifies where actions by aggrieved persons must be brought and restructures the sections of the Act relating to civil actions to make them easier to read.

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### **PUBLIC 52      An Act to Require Background Checks for Adoptions**

**LD 1070**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-54

Public Law 2001, chapter 52 is a recommendation of the Family Law Advisory Commission. It requires prospective adoptive parents to undergo a background check prior to finalization of the adoption. The probate judge shall request the Department of Human Services to review the child protective files and shall request the State Bureau of Identification to conduct a criminal history background check. The cost of reviewing the child protective services files by the Department of Human Services will be included in the adoption-filing fee. The criminal history background check is based on the prospective adoptive parent's fingerprints and includes both Maine conviction data and national criminal history information from the Federal Bureau of Investigation. The State Police will identify appropriate local law enforcement agencies to take the fingerprints. The cost of doing the background checks will be included in the adoption petition-filing fee.

The Department of Human Services and the State Police will report back to the probate judge with the results of the child protection records check and the criminal history background check. The probate judge will use the information obtained to determine if the adoption is in the best interests of the child. The information is confidential and cannot be used for any other purposes, except in compliance with the mandatory child abuse reporting requirements.

If one of the prospective adoptive parents is the child's biological parent, that person is not required to undergo the background check.

### **PUBLIC 57      An Act to Update the Probate Code**

**LD 783**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAWYER MENDROS	OTP-AM	S-37

Public Law 2001, chapter 57 increases the homestead allowance from \$5,000 to \$10,000, increases the exempt property from an estate allowed to a surviving spouse from \$3,500 to \$7,000, increases the spouse or family allowance from periodic installments of \$500 a month to \$1,000 a month; and increases the maximum lump sum amount for the family allowance from the deceased's estate to \$12,000.

## *Judiciary*

### **PUBLIC 58      An Act to Change the Criteria for Intervenor Status**

**LD 162**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE MCALEVEY	OTP-AM	H-74

Under current law, the court is required to grant standing and intervenor status in a child protection action if it finds, in addition to other criteria, that a grandparent has an existing relationship or has made sufficient effort to establish a relationship with the child. Public Law 2001, chapter 58 provides that this specified requirement need not be met when the child is 6 months old or younger at the time of the initial petition.

### **PUBLIC 66      An Act to Clarify the Laws Relating to Corporate And Other Entities**

**LD 1068**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP-AM	H-75

Public Law 2001, chapter 66 clarifies the requirement for listing the management of a corporation when restating its articles of incorporation, changes the fee for a foreign corporation when it changes its registered or principal office, further clarifies the information required in an affidavit for the resignation of a registered agent for limited partnerships and limited liability partnerships, and clarifies that the resignation of a registered agent takes effect when the certificate is filed with the Secretary of State.

### **PUBLIC 69      An Act to Correct Errors in the Laws Regarding EMERGENCY Court Unification**

**LD 952**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM	H-95

Public Law 2000, chapter 731, Part ZZZ, section 3, concerning court unification, repealed and replaced the Maine Revised Statutes, Title 4, section 105, providing for the civil jurisdiction of the Superior Court. That legislation eliminated the jurisdiction of a single Justice of the Supreme Judicial Court to sit in the Superior Court. Title 4, section 2-A currently provides for the Chief Justice of the Supreme Judicial Court to assign a justice or active retired justice to sit in the District Court and the Administrative Court until March 15, 2001, and the District Court effective March 15, 2001. Instead of amending Title 4, section 105 to correct the inadvertent error in the court unification legislation, Public Law 2001, chapter 69 places in Title 4, section 2-A the authority of the Chief Justice of the Supreme

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Judicial Court to appoint a single Justice of the Supreme Judicial Court to sit in the Superior Court.

Public Law 2001, chapter 69 was enacted as an emergency measure effective May 2, 2001.

### **PUBLIC 81      An Act to Discourage Frivolous Appeals**

**LD 789**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP      MAJ ONTP      MIN	

Public Law 2001, chapter 81 allows the Superior Court to award treble costs to the prevailing party in an appeal if it finds that the appeal was frivolous.

### **PUBLIC 108      An Act to Prohibit the Exclusion of Legal Counsel as a Condition of Settlement**

**LD 1071**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL C LONGLEY	OTP	

Public Law 2001, chapter 108 voids a condition in a litigation settlement that prevents an attorney representing a party in the settled litigation from representing similarly situated clients in a related action against a party that the attorney opposed in the settled litigation.

### **PUBLIC 115      An Act Regarding Statute of Limitations for Attorneys**

**LD 309**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM	H-196

Public Law 2001, chapter 115 clarifies and amends the law relating to the statute of limitations for actions alleging professional negligence of attorneys in the rendering of real estate title opinions. It clarifies current law that provides that the statute of limitations for actions against attorneys begins to run when the negligence, breach of contract or malpractice occurs, except that, in actions relating to wills and rendering of title opinions, the statute of limitations begins to run when the negligence or malpractice is discovered. Chapter 115 changes current law by setting an outside limit on when a cause of action for negligence in rendering a title opinion may be brought. Such an action must be brought within 6 years of discovery, but not more than 20 years from the rendering of the title opinion. A cause of action relating to a title opinion that was rendered more than 20 years before the effective

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date of chapter 115, which would otherwise be barred by chapter 115, may be brought within 2 years from the effective date of chapter 115 or within the statute of limitations already applicable, whichever is earlier.

**PUBLIC 117      An Act to Amend the Civil Court Procedure as it      LD 1018**  
**Pertains to Execution Liens**

<u>Sponsor(s)</u> SMITH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-112
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Public Law 2001, chapter 117 provides that a creditor is liable to a debtor for actual damages caused by the debtor's failure to discharge an execution against exempt property of the debtor. Liability applies only if the debtor has given written notice and proof to the creditor that the property is exempt and the creditor failed to discharge the execution within 15 days after receiving the notice and proof. A debtor who prevails in an action to recover such damages is entitled to recovery of attorney's fees and costs.

**PUBLIC 119      An Act to Allow Members, Managers and Authorized      LD 1143**  
**Employees to Appear in Court for a Limited Liability**  
**Company**

<u>Sponsor(s)</u> DAGGETT TUTTLE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-56
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Public Law 2001, chapter 119 gives managers, members and authorized employees of limited liability companies who are not lawyers the same power to represent their companies in certain court actions as is currently provided for officers and authorized employees of corporations, partnerships and other business entities who are not lawyers.

**PUBLIC 121      An Act Conforming Maine Digital Signature Law      LD 1222**  
**to Federal Law**

<u>Sponsor(s)</u> NORBERT MCALEVEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-195
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Public Law 2001, chapter 121 repeals the law that exempts deeds, mortgages and other documents affecting title to real property from the law validating electronic or digital signatures, in order to bring Maine law into conformity with federal law.

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### **PUBLIC 133      An Act to Provide for Plenary Proceedings in Actions for Forcible Entry and Detainer**

**LD 807**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON	OTP	

Public Law 2001, chapter 133 allows a plaintiff in an action for forcible entry and detainer of personal property to choose whether to proceed by summary proceeding or by plenary proceeding.

### **PUBLIC 134      An Act to Amend the Protection from Abuse and Protection from Harassment Laws**

**LD 954**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATERHOUSE MCALEVEY	OTP	

Public Law 2001, chapter 134 makes the following changes to the laws governing protection from abuse and protection from harassment.

1. It extends the definition of "harassment" to conduct constituting stalking and violation of privacy. It also expands the definition of "harassment" by adding the term "course of conduct" to accommodate the inclusion of stalking.
2. It makes violations of provisions in permanent protection from harassment orders that direct a defendant to refrain from having contact with a plaintiff punishable criminally by conferring express authority for these provisions.
3. It allows the clerk of court to seal identifying information in protection from abuse and protection from harassment cases.
4. It criminalizes the use, attempted use or threatened use of physical force in violation of a protection from abuse order by conferring express authority for such a provision.

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### **PUBLIC 163     An Act to Clarify the Law Regarding Name Changes**

**LD 363**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL C LONGLEY	OTP-AM	H-280

Public Law 2001, chapter 163 gives the Probate Court Judge the authority to limit the amount of notice that is required before the judge orders a change in a person's name when the purpose is to protect the person's safety. The person must first show by a preponderance of the evidence that the person is a victim of abuse and that the person is currently in fear of his or her safety. The Probate Court Judge will determine the appropriate amount of notice that must be given based on the facts of the case. If the judge limits the notice that must be given, the judge may seal the records of the name change. The fee for filing the name change petition is not changed.

### **PUBLIC 173     An Act to Authorize the Maine Indian Tribal-State Commission to Organize Assemblies of State and Tribal Leaders**

**LD 1171**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM    MAJ	H-284
	ONTP       MIN	H-311 LAVERDIERE

Public Law 2001, chapter 173 requires the Maine Indian Tribal-State Commission to organize an assembly of governors and chiefs on an annual basis and requires the commission to organize a tribal-state legislative assembly on a biennial basis.

### **PUBLIC 184     An Act Regarding the State's Land Use Mediation Program**

**LD 264**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT COWGER	OTP-AM	S-130

Public Law 2001, chapter 184 removes sunset provisions that, effective October 1, 2001, repeal the State's Land Use Mediation Program, administered by the Judicial Department's Court Alternative Dispute Resolution Service. The bill also provides for a biennial report from the Land and Water Resources Council to the Legislature, Governor and Judicial Department on the program's effectiveness.

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### **PUBLIC 206      An Act to Encourage and Support a Mother's Decision to      LD 1396** **Breast-feed in this State**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP      A	
CATHCART	ONTP      B	
	OTP-AM      C	

Public Law 2001, chapter 206 amends the Maine Human Rights Act to declare that a mother has the right to breast-feed her baby in any location, whether public or private, as long as she is otherwise authorized to be in that location.

### **PUBLIC 217      An Act to Treat All Children with Dignity      LD 1136**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM	H-281
LONGLEY		

Public Law 2001, chapter 217 repeals a section of Maine Statutes dealing with warrants issued pursuant to bastardy actions and removes a reference to bastardy cases in the Probate Code. The statutes governing bastardy actions, which were used to require the father of a child born out wedlock to support the child, were repealed and replaced by the Uniform Act on Paternity in 1967. There is no longer any reason to include references to bastardy actions in the statutes.

### **PUBLIC 221      An Act to Address Confidentiality of Records in t      LD 1645** **he Medical Examiner Act**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM	H-282
RAND		

Public Law 2001, chapter 221 amends the Medical Examiner Act as follows.

1. Confidentiality of records in the possession or custody of a medical examiner of the Office of Chief Medical Examiner is comprehensively addressed. In addition to incorporating those records currently made confidential, the law significantly broadens current law by including as confidential communications with the office of a district attorney relating to a medical examiner case, photographs and transparencies, histological



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2. slides, videotapes and other like items and data compilations relating to a medical examiner case.
3. Access to or dissemination of records made confidential is expressly addressed and "person" is defined for those purposes. Each provision authorizing access or dissemination reflects current practice.
4. Testing for HIV when determined necessary by the Chief Medical Examiner and disclosure of test results are expressly authorized notwithstanding current law governing the testing for HIV and the disclosure of the results of those tests.
5. Report documents are treated as "investigative information" relative to which access and dissemination is governed by Title 16, section 614. Release is further made contingent upon a person's request specifying a specific decedent or decedents and the payment of any fee required under Title 22, section 3035.

**PUBLIC 222      An Act to Make Certain Technical and Clarifying  
Changes to the Medical Examiner Act**

**LD 1705**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE LONGLEY	OTP-AM	H-283

Public Law 2001, chapter 222 amends the Medical Examiner Act as follows.

1. It replaces, in the context of medical examiner cases, the term "violence" with the more readily understandable phrase "physical injury."
2. It clarifies the reporting requirements of suspected medical examiner cases by including the definition of "person."
3. It clarifies the procedures for investigations by law enforcement officers.
4. It clarifies that the current rule-making authorization delegated to the Chief Medical Examiner has been assigned the category of routine technical rules under the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.
5. It modifies the limitation on civil liability of certain persons permanently or temporarily appointed or retained under the Medical Examiner Act to make clear that all such persons, while undertaking their duties, are each an "employee" for the purposes of the Maine Tort Claims Act.

## *Judiciary*

### **PUBLIC 240      An Act to Amend the Maine Commission on Domestic Abuse**

**LD 1751**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT RAND	OTP-AM	H-341

Public Law 2001, chapter 240 adds members to the membership of the Maine Commission on Domestic Abuse, and requires the commission to report biennially to the Legislature. The Commission becomes the Maine Commission on Domestic and Sexual Abuse.

### **PUBLIC 243      An Act to Prohibit Appointment of Referees in Protection from Abuse and Protection from Harassment Actions**

**LD 862**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHETTE SAWYER	OTP-AM    MAJ ONTP        MIN	H-334

Public Law 2001, chapter 243 provides that a court does not have the authority to refer the issues of abuse and harassment in protection from abuse and protection from harassment actions to a referee. If the protection from harassment action is joined with any other proceeding, the court may refer issues, other than harassment, that are part of the other proceeding to a referee. If the protection from abuse action is joined with a proceeding for divorce, dissolution of marriage, legal separation or separate maintenance, the court may refer issues, other than abuse, that are part of the other proceeding to mediation or a referee.

### **PUBLIC 249      An Act to Amend the Maine Tort Claims Act**

**LD 966**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM    MAJ ONTP        MIN	H-279

Public Law 2001, chapter 249 amends the Maine Tort Claims Act to provide that if the claimant is a minor when the cause of action accrues, the notice to a governmental entity may be presented within 180 days of the minor's attaining 18 years of age and the action may be brought within 2 years of the minor's attaining 18 years of age. A minor whose statute of limitations has not run out by the effective date of Chapter 249 has 180 days after attaining 18 years of age to give notice of an action and 2 years after attaining 18 years of age to bring the action.

## *Judiciary*

### **PUBLIC 250     An Act Concerning the State Court Library System**

**LD 1376**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP	

Public Law 2001, chapter 250 implements the recommendations of the Study Group to the State Court Library Committee. It repeals the current 4-tier system under which libraries received differing levels of resources and replaces it with a list of 17 locations at which law libraries must be located. It establishes Portland and Bangor as regional law library centers with additional resources, and provides equal resources for the other libraries. Chapter 250 requires that one of the 4 attorney members on the State Court Library Committee be chosen from a county having a census population of from 45,000 to 120,000 and that one be chosen from a county having a census population of less than 45,000 persons. It also adds Kennebec County to the list of available law library locations and requires all County Law Library Committees, in conjunction with the State Court Library Committee, to establish local operating policies.

### **PUBLIC 251     An Act Regarding Passamaquoddy Land in Township 19, M.D.**

**LD 1658**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH SHOREY	OTP	

Public Law 2001, chapter 251 amends the Act to Implement the Maine Indian Claims Settlement Act concerning the territory of the Passamaquoddy Tribe. The Secretary of the Interior of the United States has until January 31, 2020 to acquire and place in trust on behalf of the Passamaquoddy Tribe all purchased land in Township 19, Middle District. If that deadline is met, the purchased land becomes part of the Indian Territory of the Passamaquoddy Tribe.

### **PUBLIC 253     An Act to Implement the Recommendations of the Courts' Guardian ad Litem Committee**

**LD 724**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADORE LAFOUNTAIN	OTP     MAJ OTP-AM     MIN	

Public Law 2001, chapter 253 contains the recommendations of the Supreme Judicial Court's committee to oversee the development of a program to train, certify and supervise guardians

## *Judiciary*

ad litem. Chapter 253: amends the laws governing the Court Appointed Special Advocate Program, or "CASA," to clarify that court appointed special advocates have quasi-judicial immunity as do other guardians ad litem, and that, if a CASA volunteer is sued the volunteer is entitled to a defense by the Department of the Attorney General; clarifies the law to provide that a guardian ad litem's report in domestic relation cases is fully admissible and subject to a party's rights to cross-examine the guardian ad litem or call rebuttal witnesses as in cases arising under Title 22; and amend the law to clarify that guardians ad litem in child abuse cases have quasi-judicial immunity, as in cases arising under the domestic relations laws.

### **PUBLIC 255      An Act to Clarify the Status of Support Obligations if an      LD 1522** **Obligor Begins to Receive Public Assistance**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM      MAJ	H-332
	ONTP      MIN	

Public Law 2001, chapter 255 is a recommendation of the Family Law Advisory Commission. Current law provides that a parent obligated under a court or administrative order to pay child support is not required to pay the support while receiving public assistance. Chapter 255 suspends the child support obligation for an obligor who receives supplemental security income or public assistance for the benefit of a child of that obligor. The law also provides, however, the opportunity for the person who is to receive the support under the order, the obligee, to have the court or hearing officer review whether the obligor actually has no capacity to pay child support. The Department of Human Services is required to provide notices to the obligee and the obligor about the obligor's status, the lack of capacity to pay child support, the child support obligation resulting from the application of the suspension, the obligee's opportunity to modify the effect of the suspension and the location where forms for modification proceedings can be obtained. Blank forms for initiating modification actions must be included with the notices.

### **PUBLIC 264      An Act to Improve Child Support Services      LD 1716**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS	OTP-AM	H-343
MILLS		

Public Law 2001, chapter 264 makes several changes to the laws concerning child support. It revises the definition of "extraordinary medical expenses," and includes the actual costs of health insurance premiums paid by a party in the child support obligation and allows the hearing officers to obligate the responsible parent for that parent's proportionate share of the health insurance premium that is paid by the other parent. It includes the self-support reserve

## *Judiciary*

for certain obligors. It changes the criteria related to tax consequences as the child support tables assume the primary residential care provider receives all the tax benefits. It removes the incremental cost of health insurance as this is included in the child support obligation. It authorizes the court to consider which party may benefit the most from the allocation of tax exemptions for the children. It amends the law concerning interstate cooperation to conform to a federal mandate that child support orders be established in accordance with child support guidelines and not be based on the amount of public assistance expended. It states specifically that spousal support is also assigned to the Department of Human Services when the person receives public assistance, as required by federal law, 42 United States Code, Section 608. It adds a new hearsay exception that allows responses from employers, businesses and financial institutions to be introduced in court without the need for the employer's, business's or financial institution's presence for verification, as the records are held in the ordinary course of business.

<b>PUBLIC 265</b>	<b>An Act to Allow the Department of Human Services Abuse and Neglect Investigators Access to Certain Baxter School for the Deaf Records</b>	<b>LD 1581</b>
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<u>Sponsor(s)</u> LONGLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-177
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Public Law 2001, chapter 265 gives the out-of-home abuse and neglect investigating team established in the Maine Revised Statutes, Title 22, section 4088 the authority to obtain access to personnel records for persons licensed by the Department of Education, including those in the Governor Baxter School for the Deaf.

The Governor Baxter School for the Deaf and the Department of Education must disclose to the team records related to the following:

1. Background checks related to the person who is the subject of the investigation. The team can review the information that the school or the department has collected or note when a background check was not completed;
2. The person's credentials. The team can review the education, training and experience of the person to help understand the context of the alleged conduct, as well as review whether the person had the appropriate background for the position;
3. Any conduct on the part of the person related to the allegation. The team will be able to determine if the alleged conduct was an isolated occurrence or simply one episode in a series of similar or escalating instances; and
4. Any action the school or the Department of Education took in response to the conduct of any person at the school that is similar to the conduct alleged. This allows the team to review what sanctions, if any, have been imposed upon similar conduct.

## *Judiciary*

### **PUBLIC 273     An Act to Make Uniform the Language Governing Parental Rights and Responsibilities in the Maine Revised Statutes**

**LD 1473**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE	OTP-AM	H-415

Public Law 2001, chapter 273 revises language concerning child custody in the protection from abuse laws to use terms consistent with the language governing parental rights and responsibilities in other situations. Specifically, this bill replaces the word "custody" to reflect the proper use of the terms "parental rights and responsibilities" and "rights of contact" as used elsewhere in the Maine Revised Statutes, Title 19-A. Chapter 273 also amends the provisions governing the award of parental rights and responsibilities or rights of contact with minor children after such an award has already been made as part of a protection from abuse order. It requires the court in a parental rights and responsibilities action to determine the proper award de novo and to not rely on the award made in the protective order as precedent.

### **PUBLIC 275     An Act Regarding Ancient Execution Liens**

**LD 709**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM	H-411

Public Law 2001, chapter 275 provides that an execution lien continues for a period of 20 years from the date of the filing or recording of the writ of execution, as such writs may not only be recorded at the registry of deeds but may also be filed with the Secretary of State. The renewal writ of execution may also be designated an alias or pluries writ of execution. Such renewal writs may properly be issued within 10 years after the date of issuance of the preceding writ of execution.

Part B of chapter 275 updates the laws that validate real estate titles despite the presence of certain technical defects in acknowledgement or content of documents.

## *Judiciary*

### **PUBLIC 280     An Act Concerning Responsibilities of Conservators for Persons With Disability and Minors**

**LD 1366**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY D PENDLETON	OTP-AM	H-414

Public Law 2001, chapter 280 updates current law and restructures the format covering the inventory and other records of the conservator of a protected person's estate. It provides a sanction for failing without good cause to file the inventory. The probate court may order the conservator to pay to the estate a minimum of \$100 and a maximum of the amount the court determines is the damage suffered by the estate because of the failure to file the inventory. These payments are in addition to any other remedy for fiduciary misconduct of the conservator. Similar changes are made to the section of the Probate Code dealing with accountings by conservators.

### **PUBLIC 286     An Act to Amend Article 9-A of the Uniform EMERGENCY Commercial Code**

**LD 1080**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM	H-412

Public Law 2001, chapter 286 amends the Maine Revised Statutes, Title 11, Article 9-A to incorporate proposals of the Revised Article 9 Study Group convened by the Secretary of State. Chapter 286 provides that an amendment to a Uniform Commercial Code financing statement that is recorded in a registry of deeds must contain the name of the debtor and the secured party.

Public Law 2001, chapter 286 was enacted as an emergency effective May 25, 2001. Article 9-A of the Uniform Commercial Code takes effect July 1, 2001.

## *Judiciary*

<b>PUBLIC 291</b>	<b>An Act to Allow Expressly Authorized Persons to Conduct Investigations for the Chief Medical Examiner</b>	<b>LD 1721</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN BERRY R	OTP	

Public Law 2001, chapter 291 allows the Chief Medical Examiner to expressly authorize a person to conduct the investigation and examination on any case reported to the Office of Chief Medical Examiner.

<b>PUBLIC 292</b>	<b>An Act to Allow the Chief Medical Examiner to Assume the Responsibility for the Disposition of Human Remains</b>	<b>LD 1696</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE LONGLEY	OTP-AM	H-340

Public Law 2001, chapter 292 adds a new provision to the Medical Examiner Act to allow the Chief Medical Examiner to assume responsibility for proper disposition of dead bodies of identified nonresidents or unidentified dead bodies that are the subject of medical examiner cases when no other person or governmental unit is willing to take responsibility for disposition. The necessary expenses incurred by the Chief Medical Examiner are to be paid by the Department of Human Services or the Department of the Attorney General.

<b>PUBLIC 306</b>	<b>An Act to Amend the Laws that Govern Property t that is Exempt from Attachment and Execution</b>	<b>LD 1453</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH MARTIN	OTP      MAJ ONTP      MIN	

Public Law 2001, chapter 306 amends the laws that govern what property is exempt from attachment and execution and exempt for purposes of a bankruptcy proceeding. It increases the exemption for a residence from \$12,500 to \$25,000 and from \$25,000 to \$50,000 if minor dependents live with the debtor. It increases the exemption for a motor vehicle from \$2,500 to \$5,000. It provides that a payment or account under an individual retirement account or similar plan or contract is generally exempt to the sum of \$15,000 or to the extent reasonably necessary for the support of the debtor and any dependent of the debtor, whichever is greater.



## *Judiciary*

Current law provides that such a payment or account is exempt to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

**PUBLIC 318     An Act to Facilitate Implementation of Court  
EMERGENCY Alcohol and Drug Treatment Programs**

**LD 423**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W DAGGETT	OTP-AM	H-500

Public Law 2001, chapter 318 allows a court to order participation in a drug and alcohol treatment program as a condition of post-conviction bail. It also allows the court to suspend an order of bail, resulting in a period of detention of up to 7 days, if the defendant violates the condition. The defendant will have an opportunity to personally address the court prior to any suspension of the order of bail, but will not have the right to a formal hearing. The period of suspension of bail is a period of detention under the Maine Revised Statutes, Title 17-A, section 1253, subsection 2.

Public Law 2001, chapter 318 was enacted as an emergency measure effective May 30, 2001.

**PUBLIC 321     An Act Relating to Personal Privacy and  
Governmental Information Practices**

**LD 1681**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM    MAJ ONTP       MIN	H-461

Public Law 2001, chapter 321 relates to personal privacy and governmental information practices, and is based on recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy. Chapter 321 requires state and local governments to include notice of their information practices on their publicly accessible sites on the Internet. The notice would inform the public about what information is being collected via the publicly accessible site on the Internet, how it will be used, how to access and correct information and what security measures are taken by the governments to prevent improper use of that information. Chapter 321 also requires state agencies to include in their review under the State Government Evaluation Act an analysis of their information practices and their use of information technology.

## *Judiciary*

### **PUBLIC 329      An Act to Encourage Joint Child Rearing Between Divorced Parents**

**LD 1405**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DORR	OTP-AM	H-499

Public Law 2001, chapter 329 states the State's public policy to assure minor children of frequent and continuing contact with both parents after the parents have separated or dissolved their marriage, and that it is in the public interest to encourage parents to share the rights and responsibilities of child rearing to effect this policy. Chapter 329 provides that if one or both of the parents request shared primary residential care for a child, the court must consider shared primary residential care. If shared primary residential care is requested and the court does not make that award, the court must include the reasons why shared primary residential care is not in the child's best interest.

### **PUBLIC 345      An Act to Protect Children and Incapacitated or Dependent Adults**

**LD 1066**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN LAFOUNTAIN	OTP-AM	H-498

Public Law 2001, chapter 345 revises the mandatory reporting laws for both child abuse and neglect and incapacitated or dependent adult abuse, neglect and exploitation to require a person who has full, intermittent or occasional responsibility for the care or custody of the child or the adult to report suspected abuse, neglect or exploitation. This applies whether or not the person is being paid for the services. The new language includes babysitters and day care providers and all other persons who provide similar care.

See also HP 1385 creating a study of the child protective system.

## *Judiciary*

**PUBLIC 365      An Act to Clarify that Polluters Who Violate the  
Environmental Laws on Private Land are Liable  
for Their Actions**

**LD 273**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM      MAJ	H-560
MARTIN	ONTP        MIN	

Public Law 2001, chapter 365 provides that an owner, lessee, manager, easement holder or occupant of premises is not subject to criminal penalties or civil penalties or forfeitures for violation of laws or rules enforced by the Maine Land Use Regulation Commission or the Department of Environmental Protection if that person provides substantial, credible evidence that the violation was committed by a 3rd party who is not an employee, contractor or agent of the owner, lessee, manager, easement holder or occupant. The department and the commission are required to investigate substantiated allegations that a 3rd party committed the violation. Chapter 365 does not exempt the owner, lessee, manager, easement holder or occupant from the obligation to remediate or abate the environmental hazard or damage caused by the violation. Finally, the exemption in chapter 365 does not apply to a person who is designated a "responsible party" under the laws relating to oil discharge, tire stockpiles and uncontrolled hazardous substance sites.

**PUBLIC 370      An Act Relating to Discovery Procedures under  
the Maine Unfair Trade Practices Act**

**LD 953**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM      MAJ	H-335
RAND	ONTP        MIN	

Public Law 2001, chapter 370 amends the Attorney General's civil investigative and discovery procedures under the Maine Unfair Trade Practices Act. It repeals the provision allowing a person to refuse to disclose trade secrets to the Attorney General, but allows the Superior Court to grant a protective order with respect to that information or any other matter consistent with court rule. Chapter 370 also allows the Attorney General to disclose information obtained during the CID process in court filings without the consent of the person who produced the information.

## *Judiciary*

**PUBLIC 421     An Act to Implement the Recommendations of the  
Committee to Study Further Decriminalization of the  
Criminal Laws of Maine**

**LD 1455**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-604

Public Law 2001, chapter 421 is the legislative recommendations of the Committee to Study the Further Decriminalization of the Criminal Laws of Maine, created by 1999 Joint Order H.P. 1914.

Public Law 2001, chapter 421 creates general statutes applicable to all civil violations. These include:

1. A three-year statute of limitations for bringing a prosecution for certain civil violations;
2. Specifically providing the district attorneys with the responsibility for prosecuting certain civil violations;
3. Providing for restitution as a possible result of a civil violation; and
4. Establishing general authority for each department and agency to suspend or revoke licenses, permits and certifications issued by the department or agency based on a crime or civil violation.

This bill also revises many offenses that are currently crimes, and makes them civil violations. These offenses are within the jurisdictions of the Department of Marine Resources, the Department of Inland Fisheries and Wildlife, the Department of Professional and Financial Regulation and the Department of Agriculture, Food and Rural Resources. Additional fish and game offenses were decriminalized in the Errors and Inconsistencies bill, LD 30, Public Law 2001, chapter 471.

Public Law 2001, chapter 421 takes effect January 1, 2002.

**PUBLIC 471     An Act to Correct Errors and Inconsistencies in  
EMERGENCY the Laws of Maine**

**LD 30**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-749 H-750 LAVERDIERE

## *Judiciary*

Public Law 2001, chapter 471 makes technical and substantive corrections and changes to the laws of Maine. Parts A, B and F make technical corrections. Changes contained in Parts C, D, E and G make changes that may be considered or are substantive changes.

Public Law 2001, chapter 471 was enacted as an emergency measure effective June 29, 2001.

**P & S 12                      An Act to Implement the Continuation of Service                      LD 178**  
**EMERGENCY Recommendations of the Committee to Develop a**  
**Compensation Program for Victims of Abuse at the**  
**Governor Baxter School for the Deaf**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM      A	H-96 (Report A)
	OTP-AM      B	
	ONTP          C	

Private and Special Law 2001, chapter 12 is a recommendation of the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf, created by Resolve 1999, chapter 127, Part B. The committee's final report was submitted in December 2000.

Private and Special Law 2001, chapter 12 requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to continue to provide counseling and other mental health services to former students of the Governor Baxter School for the Deaf and the Maine School for the Deaf. These services must be provided at no cost to the service recipients.

Private and Special Law 2001, chapter 12 was enacted as an emergency measure effective May 2, 2001.

## *Judiciary*

### **RESOLVE 32    Resolve, Recognizing the Phi Eta Kappa Building Association as a Nonprofit Corporation**

**LD 364**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS CATHCART	OTP-AM	H-342

Resolve 2001, chapter 32 gives nonprofit corporation status to the Phi Eta Kappa Building Association and allows the board of directors of the corporation to amend the bylaws to conform to the Maine Nonprofit Corporation Act. It also requires the Phi Eta Kappa Building Association to file its restated Articles of Incorporation with the Secretary of State by December 31, 2001. This creates the appropriate paper trail for public disclosure of the conversion of the association from a for-profit corporation to a nonprofit corporation made by this resolve.

### **PASSED            JOINT STUDY ORDER – Joint Study Committee to Review the Child Protective System**

**HP 1385**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>

This Joint Order creates a study commission to examine many factors about the child protective system. It takes the place of LD 1793, which was reported out of the Joint Standing Committee on Judiciary to replace several bills that were proposed to amend the child protective system. The study commission consists of 10 members, appointed by the President of the Senate and the Speaker of the House of Representatives, plus the Commissioner of the Department of Human Services is requested to appoint a child protective caseworker or supervisor to serve as a member. The Chief Justice of the Supreme Judicial Court is requested to appoint a District Court Judge to participate with the commission.

The commission's duties include reviewing the issues raised by the many bills introduced into the First Regular Session of the 120th Legislature and to review and investigate specific problems and questions in the child protective system. These duties focus mainly on the legal rights and duties of parents, guardians ad litem, the Department of Human Services and other participants in the child protective legal system. The commission is charged with making recommendations for changes in laws, rules and procedures and to report back to the Joint Standing Committee on Judiciary no later than December 5, 2001. The Joint Standing Committee on Judiciary may report out legislation related to the report.

## *Labor*

<b>PUBLIC 43</b>	<b>An Act to Provide an Opportunity for Minors Under 16 Years of Age to Work in Nonprofit Moving Image Archives</b>	<b>LD 511</b>
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<u>Sponsor(s)</u> ROSEN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-35
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Under current law, a minor under 16 years of age may not work in any theater or moving picture house. Public Law 2001, chapter 43 specifically exempts from that prohibition nonprofit educational film archives and theaters associated with those archives.

<b>PUBLIC 46</b>	<b>An Act Concerning Recordkeeping in Relation to Employment of Minors</b>	<b>LD 280</b>
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<u>Sponsor(s)</u> BUMPS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-36
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Public Law 2001, chapter 46 provides an exception to the strict liability penalty for violations of child labor laws. It allows the Department of Labor, Bureau of Labor Standards to disregard de minimis violations of the laws defining what time a minor may begin and end work, how many hours may be worked each day and the maximum number of hours worked in a week. De minimis violations consist of 10 minutes per day or 50 minutes in a week. Knowing and intentional violations may not be disregarded.

<b>PUBLIC 60</b>	<b>An Act Concerning Workers' Compensation Health Care Providers</b>	<b>LD 976</b>
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<u>Sponsor(s)</u> FULLER PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-51
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Public Law 2001, chapter 60 amends a medical benefits provision of the Workers' Compensation Act of 1992 to recognize the fact that nurse practitioners as well as physicians are authorized under Maine law to prescribe drugs.

## *Labor*

### **PUBLIC 92      An Act to Permit Grievance Mediation by the EMERGENCY Panel of Mediators**

**LD 513**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE MILLS	OTP-AM	H-120

Public Law 2001, chapter 92 authorizes the Panel of Mediators to attempt to resolve disputes concerning the meaning of collective bargaining agreements through grievance mediation when the public employer and the bargaining agent agree to use that process. The law also provides that such use of grievance mediation is a permissive, rather than a mandatory, subject of bargaining.

Public Law 2001, chapter 92 was enacted as an emergency measure effective May 8, 2001.

### **PUBLIC 103      An Act to Prohibit the Delay in Provisional Payment of Certain Disability Benefits**

**LD 534**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH EDMONDS	OTP-AM	H-109

Current law prohibits an employer from delaying or refusing payment of provisional benefits under an insured disability or medical plan on the grounds that the employee has filed a workers' compensation claim for the same injury or disease for which coverage is claimed under the disability or medical plan. This law has been interpreted to apply only when the disability or medical payment policy is held by the employer. Public Law 2001, chapter 103 expands the provision to prohibit any person from delaying or refusing to make provisional payments under a disability or medical insurance policy because of the filing of a workers' compensation claim, regardless of whether the person seeking payment is covered under the policy held by that person's employer or under any other such policy, including policies held by a spouse or the spouse's employer. Provisional payments may be recovered from the employee if it is later determined that workers' compensation coverage applies.



## *Labor*

**PUBLIC 114      An Act Concerning Eligibility Requirements for State Employees, Teachers and Participating Local District Employees to Purchase Military Service Credit      LD 237**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B WESTON	OTP-AM	S-61

Public Law 2001, chapter 114 provides an additional option for state employees, teachers and participating local district employees wishing to purchase credit for military service performed prior to membership in the Maine State Retirement System. Chapter 114 allows any member who doesn't have the 15 years of creditable service or the necessary service during a federally recognized period of conflict required under current law or who lacks both to buy credit for up to 4 years of military service by paying the actuarial cost of the portion of the retirement benefit based on the additional creditable service.

**PUBLIC 118      An Act to Clarify and Make Technical Corrections to Retirement Laws      LD 1509**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS MATTHEWS	OTP	

Public Law 2001, chapter 118 makes technical corrections and clarifications in the laws governing the Maine State Retirement System. It corrects cross references and inserts inadvertently omitted language relating to normal retirement age, various reduced retirement benefit elections and death before service retirement.

**PUBLIC 156      An Act to Allow Flexibility in Payment of School Year Employee Wages      LD 1479**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON MITCHELL B	OTP-AM	H-170

Public Law 2001, chapter 156 allows school administrative units to spread payments to school year employees over any period up to 12 months, as provided in a written agreement between employees and the school administrative unit.

**PUBLIC 181    An Act to Amend the Laws of the Maine State  
EMERGENCY   Retirement System**

**LD 1754**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS TREADWELL	OTP-AM	S-113

Public Law 2001, chapter 181 makes the following changes in the laws governing the Maine State Retirement System.

1. It replaces the current 10-day period for swearing a newly appointed or reappointed trustee of the Maine Legislative Retirement System, Maine Judicial Retirement System and the Maine State Retirement System with the 30-day period generally provided by law for the swearing of similar appointees.
2. It establishes the Consumer Price Index for All Urban Consumers as the benchmark for the cost-of-living adjustment available under the statutes governing the Maine State Retirement System.
3. It establishes standards for the determination by the Board of Trustees of the Maine State Retirement System and the system's actuary that a study of plan experience is necessary for the actuarial soundness or prudent administration of the system's plans, replacing the current fixed 3-year study requirement for the state employee and teacher plan and establishing a standard for studies of plan experience under the system's other plans.
4. It allows service credit in order to qualify for a service retirement benefit under a special plan to a state employee, teacher member or participating local district member interrupting employment for any service in the Armed Forces, removing the current limitation to service during a federally recognized period of conflict as defined by federal law. The federal Uniformed Services Employment and Reemployment Rights Act now mandates that all service in the Armed Forces be recognized under these circumstances by the Maine State Retirement System.
5. It articulates the longstanding policy of the Maine State Retirement System to allow state police officers covered under the post-1984 state police special plan service credit for purchased service in the Armed Forces.
6. It establishes the conditions under which a participating local district that has withdrawn from the Maine State Retirement System may satisfy its liabilities for benefits in order to receive back from the retirement system district assets remaining after liabilities are satisfied and authorizes the retirement system to pay over such assets.

Public Law 2001, chapter 181 was enacted as an emergency measure effective May 16, 2001.

## *Labor*

**PUBLIC 235     An Act to Amend the Maine Workers'  
Compensation Act of 1992 as it Relates to Medical  
Payment Coverage**

**LD 757**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH	OTP-AM     A	H-173
MARTIN	OTP-AM     B	
	ONTP         C	

Under current law, employers of employees engaged in agriculture or aquaculture are exempt from the provisions of the Maine Workers' Compensation Act of 1992 if, among other things, the employers maintain medical payment coverage of \$1,000. Public Law 2001, chapter 235 increases the required medical payment coverage to \$5,000.

**PUBLIC 239     An Act to Clarify the Legal Status of Employees of the  
EMERGENCY   Governor Baxter School for the Deaf**

**LD 1610**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	OTP-AM	H-364

Public Law 2001, chapter 239 clarifies several of the transition provisions applicable to employees of the Governor Baxter School for the Deaf, which became an independent state agency pursuant to Public Law 1999, chapter 775. It provides that all employees are eligible to participate in the state employee health plan and the regular state employee retirement plan, whenever hired, and that employees hired after the status of the school changed have the same rights and benefits as those hired before, except for seniority rights in executive branch agencies. It provides that state employee collective bargaining agreements do not apply to employees at the school, but that agreements between the school and the bargaining units in effect before the change in status of the school are evidence of the status quo at the school. It also provides that the retirement and health benefits may only be changed by a collective bargaining agreement or otherwise as consistent with applicable law, and that any removal from the state employee retirement plan may be made only after consultation with the Executive Director of the Maine State Retirement System.

Public Law 2001, chapter 239 was enacted as an emergency measure effective May 22, 2001.

## *Labor*

### **PUBLIC 242     An Act to Provide Notice of Termination Status**

**LD 198**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	OTP-AM     MAJ	H-172
GAGNON	ONTP     MIN	

Public Law 2001, chapter 242 moves to a more appropriate place in the statutes the law requiring the Department of Labor, Bureau of Labor Standards to produce and distribute posters or notices regarding regulation of employment, which all employers are required to post. It also adds to the poster or notice language explaining that, unless covered by a collective bargaining agreement or other contract, employees are generally "at-will employees" and may be terminated from their jobs for any reason not specifically prohibited by law.

### **PUBLIC 274     An Act to Clarify the Employment Status of Owner-operators in the Trucking Industry**

**LD 1335**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREADWELL	OTP-AM	H-363
SAWYER		

Public Law 2001, chapter 274 exempts from the unemployment compensation laws services provided by an owner-operator of a truck or truck tractor leased to a motor carrier if the services are not subject to federal unemployment taxes.

### **PUBLIC 278     An Act to Clarify the Qualifications for Health Care Providers Conducting Employer-requested Examinations**

**LD 499**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM     MAJ	S-111
JACOBS	ONTP     MIN	

Public Law 2001, chapter 278 amends the workers' compensation law relating to a "second-opinion examination," which is an examination of an injured worker by a health care provider chosen by the employer, when the employee is otherwise being treated by his or her own health care provider. Current law requires that such an examination be performed by a provider with an active practice of treating patients, or a provider that had an active practice within 2 years of the examination. "Active practice" may be demonstrated by having treating privileges at a hospital.

## ***Labor***

Public Law 2001, chapter 278 repeals the provision allowing providers who do not have an active practice at the time of the examination to conduct second-opinion examinations and provides that hospital privileges may be used to demonstrate an active practice only if those privileges are active clinical privileges. Chapter 278 also requires the second-opinion provider to inform the employee of all records and communications the provider has available in conducting the exam, to advise the employee and the employee's provider of the scope and purpose of the exam, and to provide the same report that the provider sends to the employer to the employee and, if the employee requests, to the employee's health care provider.

### **PUBLIC 297     An Act to Raise the Minimum Wage**

**LD 1591**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH	OTP-AM     MAJ	S-63
SAXL	ONTP     MIN	

Public Law 2001, chapter 297 increases the state minimum wage from \$5.15 per hour to \$5.75 per hour beginning January 1, 2002 and to \$6.25 per hour beginning January 1, 2003. The amendment also retains language in current law providing that the state minimum wage increases to conform to any increases in the federal minimum wage, up to a maximum of \$1.00 per hour above the specified state minimum.

### **PUBLIC 304     An Act to Designate Equal Pay Day and to Require the Department of Labor to Report on Progress**

**LD 489**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH	OTP-AM	S-188
SAXL		

Public Law 2001, chapter 304 designates the first Tuesday in April as Equal Pay Day and requires the Department of Labor to annually report the progress made in achieving equal pay to the Legislature's committee on labor.

## *Labor*

### **PUBLIC 336     An Act to Eliminate Unnecessary Paperwork for Wage-hour Compliance**

**LD 544**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREADWELL DAVIS P	OTP-AM     MAJ ONTP     MIN	H-114

Public Law 2001, chapter 336 requires the Department of Labor to follow federal interpretation of comparable terms when determining whether automobile mechanics, parts clerks and salesmen are exempt from the state law requiring payment of time-and-a-half for overtime hours.

### **PUBLIC 341     An Act to Ensure Continued Health Insurance Coverage for the Spouse and Dependents of a Teacher or State Employee who Dies**

**LD 728**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR DAVIS P	OTP-AM	H-546

Public Law 2001, chapter 341 requires that a state employee's spouse or other dependents covered by the state group health plan or a teacher's spouse or dependents covered by a group health insurance plan provided by a school board have an opportunity to continue coverage under the group plan after the death of the state employee or teacher. The spouse or dependent would be responsible for paying the premium for the coverage.

### **PUBLIC 366     An Act to Require Reporting of Activities under the Workforce Investment Act of 1998**

**LD 1399**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MATTHEWS	OTP-AM	H-634

Public Law 2001, chapter 366 requires the Maine Department of Labor to annually provide the joint standing committee of the Legislature having jurisdiction over labor matters with certain information related to expenditure of funds and program outcomes under the federal Workforce Investment Act of 1998. It requires the Department of Labor to submit an interim report to the Joint Standing Committee on Labor by January 15, 2002.

## *Labor*

**PUBLIC 368    An Act to Allow County Corrections Personnel  
EMERGENCY   to Participate in the Same Retirement Plan as Other  
                  Corrections Personnel**

**LD 1276**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E DAVIS P	OTP-AM	H-568

Public Law 2001, chapter 368 provides the option to county government of providing a special retirement plan for county correctional employees identical to the retirement plans available to county sheriffs and deputy sheriffs.

Public Law 2001, chapter 368 was enacted as an emergency measure effective June 8, 2001.

**PUBLIC 381    An Act Regarding the Treatment of American  
                  Indian Tribes Under the Federal Unemployment  
                  Tax Act**

**LD 1753**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS MATTHEWS	OTP-AM	S-259

Public Law 2001, chapter 381 provides to Maine Indian tribes the same option that state and local governments have under federal law to provide unemployment compensation benefits to their employees as direct reimbursement employers rather than by regularly paying contributions to the state Unemployment Compensation Fund.

**PUBLIC 390    An Act to Ensure that the Annual Inflation  
                  Adjustment for Partial Compensation for Injuries  
                  occurring Prior to November 20, 1987 is Fully  
                  Recognized and Paid**

**LD 943**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE MILLS	OTP-AM    MAJ ONTP        MIN	H-616

Workers' compensation benefits payable to employees injured prior to November 20, 1987 must be adjusted for inflation, under the provisions of former Title 39, sections 55 and 55-A. Public Law 2001, chapter 390 clarifies how the adjustment is to be calculated and overturns the decision of the Maine Supreme Judicial Court on this issue in Bernard v. Mead

## ***Labor***

Publishing Paper Division, 2001 ME 15. Chapter 390 requires that the pre-injury wage be adjusted for inflation before being compared to the post-injury wage.

### **PUBLIC 393     An Act to Strengthen Maine's Worker Advocate Program     LD 670**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM     MAJ	S-262     NUTTING J
BERRY R	ONTP     MIN	

Public Law 2001, chapter 393 increases the cap on the Workers' Compensation Board assessment by \$300,000 for fiscal year 2001-02 and allocates funds to the Workers' Compensation Board to allow it to contract for worker advocates and clerical support in the worker advocate program in 2001-2002. It also allows the board to use \$40,000 from its reserve account to fund technology improvements in the auditing, enforcement and monitoring program and requires the board to submit a written plan to improve implementation of that program.

### **PUBLIC 397     An Act to Enhance the Safety and Health of Students in     LD 1697 Public School Facilities**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	H-626
EDMONDS		

Public Law 2001, chapter 397 requires the Board of Occupational Safety and Health to adopt major substantive rules to regulate the use of and exposure to equipment or materials and the exposure to conditions in public educational facilities that minors would be prohibited from using or being exposed to in a work environment. Chapter 397 allows the Department of Labor to provide technical assistance to school boards and other governing boards of educational institutions to assist them in complying with the rules.



## *Labor*

**PUBLIC 398      An Act to Streamline the Administration and  
Enforcement of the Work Permit Provisions of  
Child Labor Laws and to Enhance the Use of the  
Occupational Safety Loan Fund**

**LD 1708**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-295

Public Law 2001, chapter 398 makes several changes in the law regarding work permits for minors. It clarifies that a work permit is effective when approved and issued by the Department of Labor, Bureau of Labor Standards and clarifies that the permit is in force only for the specific employer listed on the permit. Chapter 398 allows the Bureau of Labor Standards to adopt an electronic transmittal system to speed up the work permit process.

Chapter 398 also allows the Department of Labor to use the Occupational Safety Loan Fund to provide grants for services that would improve employers' workplace safety and health performance. The amount would be limited to the income to the fund from interest payments and investments in the previous fiscal year.

**PUBLIC 401      An Act to Amend the State's Overtime Law**

**LD 1082**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP      MAJ	S-323    PENDLETON
MATTHEWS	ONTP     MIN	

Public Law 2001, chapter 401 amends the law limiting mandatory overtime, which prohibits employers from requiring more than 80 hours of overtime in a 2-week period. Chapter 401 provides that, in addition to the 80-hour limit, a nurse may not be disciplined for refusing to work more than 12 consecutive hours, unless an unforeseen emergent circumstance occurs and the overtime is required as a last resort to ensure patient safety. If overtime is required in such a circumstance, the nurse must be given at least 10 consecutive hours off duty immediately following the overtime. This provision does not apply in an emergency declared by the Governor, or when necessary to protect the public health or safety outside the normal course of business.

## *Labor*

**PUBLIC 409      An Act to Improve Pension Benefits for Employees in the      LD 1566**  
**Department of Environmental Protection**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM      MAJ	H-619
EDMONDS	ONTP      MIN	

Public Law 2001, chapter 409 provides membership in the 1998 Special Retirement Plan for emergency and hazardous response workers at DEP who participate in a standby work rotation. The 1998 Special Plan offers full retirement benefits at age 55 or early retirement with a benefit reduction after 25 years of service. Chapter 409 covers all new employees in the designated categories and current employees retroactive to their date of hire. Funding for the bill is allocated among the 4 hazardous waste funds within the department; no General Funds are used.

**PUBLIC 427      An Act to Ensure That State Employees Receiving      LD 747**  
**Workers' Compensation and Filling a Limited Period**  
**Position Remain in Their Respective Bargaining Units**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON	OTP-AM      MAJ	S-328   EDMONDS
	ONTP      MIN	

Public Law 2001, chapter 427 amends the State Employees Labor Relations Act to describe the status of an employee who is receiving workers' compensation payments from the State and is placed in a limited-period position to enable that person to return to work. Chapter 427 provides that the employee has the same employment and bargaining unit status as before the injury, but that the scope of representation by the bargaining unit representative does not include work capacity, rehabilitation and other workers' compensation-related matters, unless such representation is specifically bargained for.

## *Labor*

**PUBLIC 435     An Act to Classify Employer-provided Medical  
Treatment as a Payment under the Maine Workers'  
Compensation Act of 1992**

**LD 844**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	OTP-AM     MAJ	H-244
EDMONDS	ONTP     MIN	

Public Law 2001, chapter 435 amends the Workers Compensation Act of 1992 to specify that the provision of medical treatment by an in-house health care provider constitutes the payment of a workers' compensation benefit if the treatment continues on at least 6 occasions within a year of the first treatment and the employer or the provider knew or should have known that the injury or illness was work-related. Classifying this type of treatment as a "payment" extends the period of time within which the employee may file a petition for benefits from 2 years from the date of injury to 6 years from the date of the last treatment or other payment made voluntarily by the employer.

**PUBLIC 442     An Act to Expand Retirement Benefits for State  
Employees and Teachers Returning to Service**

**LD 1255**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MATTHEWS	OTP-AM	H-437
		H-483     BUNKER

Public Law 2001, chapter 442 repeals the current law that provides for reduction in benefits of retirees under the Maine State Retirement System who return to employment covered by the retirement system if they exceed earning limitations. Under chapter 442, retirees may return to covered employment and keep both their full pension and their earnings. The law also establishes the status of retirees who return to covered employment for certain benefits, including membership in the retirement system, participation in other retirement plans of the employer and eligibility for the state employee health insurance program.

## *Labor*

### **PUBLIC 443    An Act to Increase the Limit on Earnings for EMERGENCY   Beneficiaries of Disability Retirement Benefits**

**LD 98**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E KILKELLY	OTP-AM	H-133

Public Law 2001, chapter 443 increases from \$10,000 to \$20,000 the annual limit on earnings that a recipient of a disability retirement benefit under the Maine State Retirement System may earn without incurring a deduction from the following year's benefit payment. The \$10,000 limit was established and has not been updated since 1981. The law also suspends for one of the disability plans administered by the retirement system the permanent reduction in disability benefits due to a determination of increased capacity to earn based on a benefits recipient's actual earnings record. The suspension is retroactive for calendar years 1999 and 2000 and is effective until January 1, 2003. The temporary suspension will allow the retirement system and the Legislature to develop a permanent solution while alleviating the hardship imposed on recipients under the current law.

Public Law 2001, chapter 443 was enacted as an emergency measure effective June 27, 2001.

### **PUBLIC 448    An Act to Transfer Administration of Certain Reimbursement Functions of the Workers' Compensation Employment Rehabilitation Fund to a Voluntary Coalition of Parties in Interest**

**LD 1413**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM	S-309

Public Law 2001, chapter 448 transfers responsibility for reimbursing insurers and self-insurers for benefit extension payments from the Employment Rehabilitation Fund to a new fund called the "Supplemental Benefits Fund." The Supplemental Benefits Fund is funded by an assessment on insurers and self-insurers and is administered by the Supplemental Benefits Oversight Committee, a 5-member board appointed by the Governor. The Committee may delegate day-to-day administration of the Fund, and committee powers regarding reimbursement requests and assessments, to a service agent. The Committee, the Fund and the service agent do not participate in Workers' Compensation Board proceedings that determine the level or duration of benefits payable to an employee. The Committee and the service agent determine only whether insurers and self-insurers are eligible for reimbursement from the Fund for payments they made as a result of (1) the increase in the duration limit on partial incapacity benefits for injuries between January 1, 1993 and December 31, 1997; and (2) the lowering of the threshold for lifetime benefits from 15% to

## *Labor*

11.8% for injuries between January 1, 1993 and December 31, 1999. Payments for injuries after those dates are not reimbursable from the Fund.

**P & S 4                      An Act to Establish the Administrative Operating                      LD 25**  
**EMERGENCY Budget for the Maine State Retirement System for the**  
**Fiscal Year Ending June 30, 2002**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Since July 1, 1993, the Maine State Retirement System has been required by statute to present its annual administrative operating budget to the Legislature for approval. Private and Special Law 2001, chapter 4 establishes the system's annual administrative operating budget for fiscal year 2001-02 in the amount of \$9,053,246.

Private and Special Law 2001, chapter 4 was enacted as an emergency measure effective July 1, 2001.

**P & S 24                      An Act to Restore a Workers' Compensation Hearing                      LD 1585**  
**Officer Position in Aroostook County**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN SMITH	OTP	S-150

Private and Special Law 2001, chapter 24 requires the Workers' Compensation Board to permanently assign a full-time administrative hearing officer to the Caribou office no later than 30 days after the effective date of the bill and to implement this assignment within existing budgeted resources.

## *Labor*

**RESOLVE 49      Resolve, Authorizing a Study of the Governance and      LD 297**  
**EMERGENCY      Administrative Structure of the Workers' Compensation**  
**System and Authorizing One-time Uses of the Workers'**  
**Compensation Board Reserve Account**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	OTP-AM      MAJ ONTP      MIN	S-266

Resolve 2001, chapter 49 directs the Department of Administrative and Financial Services to administer a feasibility study of the governance and administrative structure of the State's workers' compensation system to determine if greater efficiencies may be gained in its operational structure and processes. The Resolve authorizes the department to enter into contracts for consulting services to assist in carrying out the study and provides for funding of up to \$125,000 from the Workers' Compensation Board reserve account. The department is directed to consult with an advisory committee composed of members of the Legislature, the Workers' Compensation Board, the Department of Labor, the Department of Professional and Financial Regulation and the Governor's office and to report its findings to the Legislature and the Workers' Compensation Board by December 15, 2001. The Joint Standing Committee on Labor may report out any recommended legislation relating to the report of the Department of Administrative and Financial Services to the Second Regular Session of the 120th Legislature.

The Resolve also authorizes the Workers' Compensation Board to use up to \$700,000 from its reserve account to fund board expenses in fiscal year 2001-2002.

Resolve 2001, chapter 49 passed as an emergency measure effective June 8, 2001.

**PASSED      JOINT STUDY ORDER – Joint Study Committee      HP 1386**  
**to Study the Benefits and Costs for Increasing Access**  
**to Family and Medical Leave for Maine Families is**  
**Established**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL		

HP1386 creates the Committee to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families. The 15-member committee is directed to examine current availability of paid family and medical leave, the impact on employers, employees and families of providing paid leave, the impact on public health costs and other state-funded programs, and options for providing paid family and medical leave. This Joint Resolution replaces LD 1466.

## *Legal and Veterans' Affairs*

**PUBLIC 9      An Act to Clarify the Laws Prohibiting Consumption      LD 294**  
**or Possession of Alcohol by a Minor**

<u>Sponsor(s)</u> DOUGLASS LABRECQUE	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2001, chapter 9 clarifies that a minor may possess liquor in any home in the presence of the minor's parent, legal guardian or custodian not the parent, legal guardian or custodian of any minor.

**PUBLIC 20      An Act to Enable Small Wineries to do Business in      LD 225**  
**Maine**

<u>Sponsor(s)</u> FERGUSON SAVAGE W	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2001, chapter 20 lowers the fee for a certificate of approval for a manufacturer or foreign wholesaler of wine who ships 120 gallons of wine or less per year from \$600 to \$100.

**PUBLIC 21      An Act to Specify the Permissible Hours for Sale of      LD 296**  
**Liquor By Wholesale Licensees**

<u>Sponsor(s)</u> DOUGLASS TUTTLE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-12
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Public Law 2001, chapter 21 specifies that wholesale licensees may sell or deliver liquor to licensed establishments from 4 a.m. on any day until 1 a.m. the following day.

## *Legal and Veterans' Affairs*

### **PUBLIC 75      An Act to Amend Disclosure Reporting Requirements      LD 388**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCDONOUGH RAND	OTP-AM	H-90

Public Law 2001, chapter 75 corrects an error in current law by providing that it is the Commission on Governmental Ethics and Election Practices that receives income statement reports and updating statements from legislators, not the Secretary of State. It also provides that Executive Branch employees and constitutional officers are not required to file a financial disclosure report in April if one has already been filed during the preceding calendar year.

### **PUBLIC 84      An Act to Clarify the Use of 2-sided Ballots      LD 206**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE NUTTING J	OTP-AM	H-117

Public Law 2001, chapter 84 requires that double-sided ballots furnished for elections include a message on each side of the ballot reminding the voter to mark both sides of the ballot.

### **PUBLIC 102      An Act to Amend the Time the Registrar is Required to be at a Municipal Caucus      LD 279**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRESSEY MCALEVEY	OTP-AM    MAJ ONTP       MIN	H-168

Public Law 2001, chapter 102 changes from 1 hour to 30 minutes the length of time that the registrar voters must attend official party caucuses preceding the commencement of the caucus.



## *Legal and Veterans' Affairs*

### **PUBLIC 139     An Act to Amend the Public Drinking Law**

**LD 918**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY	OTP	

Public Law 2001, chapter 139 allows for a conspicuous posting forbidding drinking on state-owned property to serve as a warning, similar to the provisions that apply to private or municipal property.

### **PUBLIC 160     An Act to Discourage Underage Consumption of Alcohol by a Minor**

**LD 257**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LABRECQUE SAVAGE C	OTP-AM	H-167

Public Law 2001, chapter 160 increases the penalty for a minor who uses or attempts to use a fraudulent or false identification for the purposes of obtaining liquor. For the first offense the penalty is increased from \$100 to \$200. For the second offense the penalty is increased from \$200 to \$300. For the third and any subsequent offense the penalty is increased from \$500 to \$600. This law also provides that a judge may suspend the driver's license of a minor for a first offense for 30 days. For a second offense the judge is required to suspend a minor's driver's license for 90 days and for 1 year for any subsequent offense.

### **PUBLIC 236     An Act to Amend the Laws Governing Small Brewery Licenses**

**LD 397**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT KOFFMAN	OTP-AM     MAJ ONTP         MIN	S-191

Public Law 2001, chapter 236 provides that a small brewery licensee may renew its license for only one year upon reaching the 50,000 gallon production threshold. After that year, if the licensee is still producing more than 50,000 gallons, it no longer qualifies for a small brewery license. The law also provides for proper compliance with the bottle deposit law.

## *Legal and Veterans' Affairs*

**PUBLIC 237      An Act to Amend the Laws Regarding Investigations      LD 1369**  
**by the Commission on Governmental Ethics and Election**  
**Practices**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN	OTP      MAJ	
BROMLEY	ONTP      MIN	

Public Law 2001, chapter 237 requires the Commission on Governmental Ethics and Election Practices to keep requests for investigations regarding campaign reports and finances confidential when filed within 10 days of an election. Such a request must be held confidential until the commission makes a final determination on the request.

**PUBLIC 295      An Act to Expand the Number of Authorized High-stakes      LD 108**  
**Beano and High-stakes Bingo Games**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LORING	OTP-AM	H-439
CATHCART		

Public Law 2001, chapter 295 permits federally recognized Indian tribes licensed to conduct high-stakes beano and high-stakes bingo to operate those games on New Year's Eve and New Year's Day.

**PUBLIC 300      An Act to Amend the Laws Regarding Harness Racing      LD 1415**  
**EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIZMAR	OTP-AM	H-441
KNEELAND		

Public Law 2001, chapter 300 specifies that the horseman's purse share of the harness racing handle on simulcast races is distributed to the track where the race was actually run. It also states that the minimum payoff on a show wager must be 5% above the amount wagered.

Public Law 2001, chapter 300 was enacted as an emergency measure effective May 29, 2001.

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**PUBLIC 309      An Act to Require the State to Provide Flags for  
Persons Who Are Listed on the Law Enforcement  
Memorial Located on State Street in Augusta**

**LD 1201**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P NORBERT	OTP-AM	S-192

Public Law 2001, chapter 309 requires the Commissioner of Public Safety to provide flag holders and Maine flags for the gravesites of the officers listed on the law enforcement memorial, located in the State Capitol complex memorial site, if the gravesites can be reasonably found. It establishes the Flags For Public Servants Fund, to fund the costs of providing the flags and flag holders and it also requires that this fund be the sole revenue source for the flag and flag holder purchases. Public Law 2001, chapter 309 also requires that the agency that the slain officer represented place the flag holder and flag at the gravesite.

**PUBLIC 310      An Act to Amend the Election Laws**

**LD 1042**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE DOUGLASS	OTP-AM	H-527

Public Law 2001, chapter 310 makes several changes to the election laws including:

1. Clarifying time frames and requirements for party enrollment;
2. Providing a detailed hearing and notification process that the registrar of voters must follow before removing a voter from the voting list for failure to meet necessary qualifications;
3. Establishing a consistent deadline by which all qualified political parties must hold their biennial municipal caucuses;
4. Specifically designating which election officials must sign certain election paperwork;  
and
5. Removing obsolete references to punch card voting systems.

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### **PUBLIC 320     An Act to Protect Off-track Betting Facilities**

**LD 1447**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MENDROS ROTUNDO	OTP-AM	H-481

Public Law 2001, chapter 320 eases the limitation on off-track betting facilities that simulcast interstate races. Prior to enactment of this law, off-track betting facilities could simulcast interstate races only if there were 150 live races conducted at the state's commercial tracks during the previous calendar year. Public Law 2001, chapter 320 permits an off-track betting facility to simulcast interstate races if the state's commercial tracks conducted 150 live races during the preceding two calendar years.

### **PUBLIC 342     An Act to Amend the Beano and Games of Chance Laws**

**LD 528**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIZMAR MARTIN	OTP-AM	H-526

Public Law 2001, chapter 342 specifies that the Chief of the State Police may appoint a designee to administer licensing matters regarding beano and games of chance. It also provides that the State Police may refuse to issue a beano or games of chance license if the applicant fails to meet the statutory requirements for licensure or violates the law pertaining to beano and games of chance. Finally, this law gives the Chief of the State Police the authority to issue subpoenas for investigations and hearings pertaining to beano and games of chance as long as the subpoena is not used to initiate the investigation.

### **PUBLIC 353     An Act Regarding the Laws Governing the Department of Defense, Veterans and Emergency Management and the Commission to Recognize Veterans of the Vietnam War in the State House Hall of Flags**

**LD 1808**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-215 DOUGLASS

Public Law 2001, chapter 353 extends the final reporting date for the commission to recognize veterans of the Vietnam War in the State House Hall of Flags. The law also authorizes the Department of Defense, Veterans and Emergency Management to sell the armory located in Caribou and permits the Governor to declare an emergency orally provided

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that a written declaration is filed with the Secretary of State within 24 hours of the declaration.

### **PUBLIC 374    An Act to Establish the Maine Military Authority EMERGENCY**

**LD 1495**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS BELANGER	OTP-AM	S-246

Public Law 2001, chapter 374 establishes the Maine Military Authority under the Department of Defense, Veterans, and Emergency Management. The Maine Military Authority will operate the existing Maine Readiness Sustainment Maintenance Center located at the former Loring Air Force Base. The primary purpose of the authority is to maintain, rebuild, repair, store and manufacture equipment for the state, the United States Departments of Army, Air Force, Navy, Treasury and for foreign governments in conjunction with the Foreign Military Sales Program of the United States Department of Defense. This state operation is completely reimbursed with federal funds.

Revenue generated by the Authority must be first used to support the Authority. Other unexpended balances may be transferred to any other non-General Fund state account of the Military Bureau including but, not limited to, capital repair and maintenance of state armories and Maine National Guard Tuition Assistance. The Authority may acquire public and private monies and property.

Employees of the former Maine Readiness Sustainment Maintenance Center shall be transferred to the Maine Military Authority and are members of the Maine State Retirement System and the state employee health plan. Employees of the Authority are not subject to the civil service laws but are state employees.

Books and records of the authority are confidential but subject to audit and open for inspection by the state and federal governments.

Public Law 2001, chapter 374 was enacted as an emergency measure effective June 8, 2001.

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### **PUBLIC 384    An Act Regarding the Use of Tokens or Tickets EMERGENCY   for Games of Chance at Agricultural Fairs**

**LD 1814**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP-MAJ OTP-MIN	H-629   TUTTLE

Public Law 2001, chapter 384 delays implementation by one year of the requirement that agricultural fairs licensed to conduct games of chance use tokens or tickets to operate those games unless the games are operated by a member of the agricultural fair society or a non-profit. Under this law, the date by which agricultural fairs must now comply with this requirement is January 1, 2002.

Public Law 2001, chapter 384 was enacted as an emergency measure effective June 11, 2001.

### **PUBLIC 395    An Act to Increase the Penalty for Furnishing Liquor to a Minor if Injury or Death Results**

**LD 51**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM	H-29

Current law classifies furnishing or allowing consumption of liquor by a minor as a Class D crime. Public Law 2001, chapter 395 increases the classification to a Class C crime if the consumption of the furnished liquor by the minor in fact causes death of or bodily injury to the minor or any other individual.

### **PUBLIC 415    An Act to Require Election Law Training to Voter Registrars and Clerks**

**LD 623**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TESSIER	OTP-AM	H-503 S-326   GOLDTHWAIT

Public Law 2001, chapter 415 requires that each municipal clerk and registrar of voters attend election law training that is approved by the Secretary of State at least once every two years. It also requires the Secretary of State to offer regional training sessions at least once every 2 years at no fee.

Public Law 2001, chapter 415 was passed as a municipal mandate and has an effective date of January 1, 2003.

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### **PUBLIC 416     An Act to Regulate Push Polling**

**LD 1055**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT	ONTP     MAJ OTP     MIN	H-708   TRAHAN

Public Law 2001, chapter 416 defines "push poll" and requires anyone who conducts a push poll to register with the Commission on Governmental Ethics and Elections Practices and disclose who has sponsored the push poll and the entity conducting it. An entity already lawfully registered to conduct business in the state is not required to register with the commission but is required to disclose a valid, current, publicly listed telephone number and address of the person sponsoring or authorizing the call. An entity that fails to comply with either the disclosure or registration requirements of this law may be assessed a forfeiture of \$500 by the Commission on Governmental Ethics and Election Practices.

### **PUBLIC 430     An Act to Amend the Laws Governed by the Commission on Governmental Ethics and Election Practices**

**LD 1350**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-602

Public Law 2001, chapter 430 makes several technical changes to the laws governed by the Commission on Governmental Ethics and Election Practices, deleting obsolete language and outdated references and correcting cross-references. It removes as one of the duties of the commission that it makes findings of fact and opinion on the final determination of the results of commission investigations of violations of the campaign finance reporting laws. It specifies that alimony payments and recorded campaign contributions are not considered income for the purposes of reporting. It also specifies that the annual report required of lobbyists must include a separate listing of legislative actions for the past calendar year. Public Law 2001, chapter 430 amends the law regarding the publication and distribution of statements by political action committees to be consistent with Yes for Life Political Action Committee v. Webster.

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### **PUBLIC 461     An Act to Enhance Penalties for Use of Illegal Gambling Machines**

**LD 1544**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM-MAJ ONTP-MIN	S-228 S-395 GOLDTHWAIT

Public Law 2001, chapter 461 defines illegal gambling machines and provides that illegal gambling machines and their monetary contents are subject to seizure and forfeiture in both civil and criminal proceedings. Seizure may be pursuant to court process or without process if the seizure is incident to a search that is in conformity with constitutional requirements governing searches and seizures.

### **PUBLIC 465     An Act to amend the Maine Clean Election Laws**

**LD 1711**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM-MAJ ONTP-MIN	S-308

Public Law 2001, chapter 465 provides for several changes to the Maine Clean Election Act. It expands the period in which a gubernatorial or legislative candidate may qualify as a participating candidate in the Maine Clean Election Act by one month. It also permits a candidate collecting the \$5 contributions required to qualify as a participating candidate in the Maine Clean Election Act to pay the fee for a money order that is a \$5 qualifying contribution.

This law provides funding for participating candidates who are uncontested in a general election. These candidates will receive 40% of the amount of the distribution from the Maine Clean Election Fund received by a participating candidate running for a seat in the same body of legislature who is opposed. It also requires the Commission on Governmental Ethics and Election Practices to adopt rules regarding the disposition of property purchased with Maine Clean Election funds.

Finally, Public Law 2001, chapter 465 specifies that rules adopted by the commission regarding qualification and certification of a participating candidate, circumstances regarding vacancies, collection of revenues for the Clean Election Fund and distribution and disposition of revenues are major substantive rules.



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**PUBLIC 470    An Act Concerning the Penalties for Late Filing of  
EMERGENCY Accelerated Campaign Reporting Under the Maine  
Clean Election Act**

**LD 1809**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM	H-718 S-363 DOUGLASS S-370 WOODCOCK

Public Law 2001, chapter 470 changes the process by which appointments are made to the Commission on Governmental Ethics and Election Practices, increases the number of meetings the commission is required to hold and requires the commission to consider mitigating circumstances when assessing a penalty for late filing of accelerated reports filed by a traditionally funded candidate opposed by a participating candidate in the Maine Clean Election Act.

Under this law, terms for members of the Commission on Governmental Ethics and Election Practices beginning prior to January 1, 2002 will end upon the confirmation of nominees made according to the new appointment process. This appointment process requires that members of legislative leadership shall provide the Governor with a list of three qualified candidates for each position from which to choose a nominee. These nominees are subject to confirmation by the Legislature.

During the year, the commission is required to meet monthly and 60 days preceding an election, bi-weekly. In the 28 days preceding an election the commission is required to meet within one calendar day of the filing of any complaint or question with the commission. Agenda items in the 28 days preceding an election must be decided within 24 hours unless all parties agree otherwise.

This law also specifies that the commission employ an administrative director and retain general counsel as an employee of the commission.

Public Law 2001, chapter 470 requires the commission to consider mitigating circumstances when assessing penalties for late filing of accelerated reports and places some limits on those penalties as long as the commission finds that a bona fide effort was made to file an accurate and timely accelerated report. Sections of this law pertaining to penalties are repealed August 1, 2002.

Public Law 2001, chapter 470 was enacted as an emergency measure effective June 28, 2001.

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**RESOLVE 20**   **Resolve, to Amend the National Guard Education**  
**EMERGENCY**   **Assistance Pilot Program**

**LD 550**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISHER	OTP-AM	H-232

Resolve 2001, chapter 20 expands the National Guard Education Assistance Pilot Program to provide for a tuition grant to a National Guard member who attends a private college or university. The amount of reimbursement would be the lesser of the tuition rate at the University of Maine or the tuition rate at the private college or university.

Resolve 2001, chapter 20 was passed as an emergency measure effective May 15, 2001.

**RESOLVE 24**   **Resolve, Authorizing the Adjutant General to File a**  
**Finalized Declaration of Covenants and Restrictions**  
**with the Kennebec County Registry of Deeds in the**  
**Veterans' Memorial Cemetery Located on the Mount**  
**Vernon Road in Augusta**

**LD 1352**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS BROOKS	OTP-AM	S-131

Resolve 2001, chapter 24 authorizes the Adjutant General to convey interest in land that was conveyed to the State to the Department of Environmental Protection for the Veterans' Memorial Cemetery.

**RESOLVE 58**   **Resolve, to Establish a Centralized Voter Registration**  
**EMERGENCY**   **List for the State**

**LD 193**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TESSIER GAGNON	OTP-AM	H-438 S-341 BENNETT

Resolve 2001, chapter 58 requires the Secretary of State to convene a task force to study the requirements necessary to develop and implement a centralized voter registration list and instead establishes the Task Force to Establish a Centralized Voter Registration List. Members of the task force are appointed jointly by the Speaker of the House and the ranking leader of the House Republicans and the President and President Pro Tempore of the Senate and consist of municipal officials, a representative of the League of Women Voters of Maine,

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public members, representatives of the major political parties, the State Information Officer, the Secretary of State and staff from the Secretary of State's office. The task force is required to report to the Joint Standing Committee on Legal and Veterans' Affairs.

Resolve 2001, chapter 58 was passed as an emergency measure effective June 19, 2001.



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### **PUBLIC 93      An Act Concerning the Lobster Management Fund**

**LD 1091**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMONT LEMOINE	OTP-AM	S-67

Public Law 2001, chapter 93 removes the dollar limitation with regard to support for the Lobster Advisory Council. Chapter 93 also allows money from the Lobster Management Fund to be used to support the Lobster Advisory Council.

### **PUBLIC 94      An Act to Extend the Repeal of the Lobster Trap Tag Freeze**

**LD 344**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE	OTP-AM	H-171

Public Law 2001, chapter 94 extends the repeal date for the lobster trap tag laws from December 31, 2001 to December 31, 2005.

### **PUBLIC 99      An Act to Limit Nuisance Claims Against Commercial Fishing Operations and Activities**

**LD 502**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT ETNIER	OTP-AM	S-68

Public Law 2001, chapter 99 defines "commercial fishing activity" and "commercial fishing operation" and it limits private nuisance actions against those activities and operations that are undertaken in compliance with licensing and permitting requirements and other applicable laws.

### **PUBLIC 101      An Act to Modify Municipal Shellfish Ordinances**

**LD 1334**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP	

Public Law 2001, chapter 101 provides for the repeal of a shellfish conservation ordinance by a municipality or the Commissioner of Marine Resources. Chapter 101 also clarifies that

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an ordinance must be filed with the Commissioner of Marine Resources within 20 days in order to remain in effect.

### **PUBLIC 112      An Act to Include Whole Scallops in the Shellfish Sanitation Program      LD 345**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE LEMONT	OTP-AM	H-204

Public Law 2001, chapter 112 subjects cultured whole scallops to the shellfish sanitation regulations.

### **PUBLIC 122      An Act to Revise Maine Laws Governing Aquaculture      LD 366**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOGLUND PENDLETON	OTP-AM	H-157

Public Law 2001, chapter 122 requires an applicant for a limited-purpose aquaculture lease to notify certain riparian owners of the submittal of an application and notice of hearing for that lease. Chapter 122 also requires the applicant to provide proof of access to the lease area and, if access will be across riparian land, the applicant must provide written permission of the riparian owners whose land will be used to access the lease area.

### **PUBLIC 123      An Act Concerning Closed Periods for Lobstering      LD 630** **EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM	H-203

Public Law 2001, chapter 123 removes the prohibition against the transfer of lobster traps during certain nighttime hours during the summer and on weekends during the summer.

Chapter 123 was enacted as an emergency measure effective May 9, 2001.

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### **PUBLIC 186     An Act to Establish a Commercial Green Crab Fishing     LD 1649 EMERGENCY License**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMONT LEMOINE	OTP-AM	S-128

Public Law 2001, chapter 186 establishes a new license that allows an individual to fish for green crabs. It prohibits fishing for green crabs except with gear approved by the Commissioner of Marine Resources and it establishes a dedicated fund into which revenues from the sale of green crab fishing licenses will be deposited.

Chapter 186 was enacted as an emergency measure effective July 1, 2001.

### **PUBLIC 187     An Act to Amend the Laws Pertaining to the Harvest of     LD 1309 Adult Eels**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMONT LEMOINE	OTP-AM	S-127

Public Law 2001, chapter 187 removes the limitation on the number of eels an individual may take for personal use. Chapter 187 also directs the Department of Marine Resources to adopt rules establishing a limit on the number of eels that a person may take.

### **PUBLIC 188     An Act to Amend the Laws Pertaining to Municipal     LD 1717 Shellfish Management**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE LEMONT	OTP-AM	H-257

Public Law 2001, chapter 188 amends the laws governing municipal shellfish management programs to clarify portions of those laws.

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### **PUBLIC 190      An Act to Ensure that Fishways on Tidal Waters are Working      LD 592**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HONEY KILKELLY	OTP-AM	H-256

Public Law 2001, chapter 190 requires the Commissioner of Marine Resources to annually examine all dams and other artificial obstructions to fish passage within the coastal waters.

### **PUBLIC 192      An Act Concerning the Enforcement of Laws Relating to Scallop in Cobscook Bay      LD 1280**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY GOODWIN	OTP-AM	S-126

Public Law 2001, chapter 192 sets a daily limit and culling requirements for scallops in Cobscook Bay and sets a penalty for violation.

### **PUBLIC 195      An Act to Amend the Lobster Fishing Owner and      LD 379 EMERGENCY Operator Laws to Allow Limited Charter Vessel Operation**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM	H-254

Public Law 2001, chapter 195 allows a person who is licensed by the United States Coast Guard to operate a passenger-carrying vessel that is documented, licensed and inspected by the Coast Guard to fish for lobster when the owner or family member is not on board the vessel. By June 30, 2001 the owner of the vessel must document that the vessel was used to fish for lobster with paying passengers on board in 1995, 1996 and 1997. Chapter 195 also allows an authorized person to fish for lobster with a replacement vessel and it requires the vessel owner to notify the commissioner in writing annually prior to the vessel being used to fish for lobsters.

Chapter 195 was enacted as an emergency measure effective May 16, 2001.



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### **PUBLIC 205     An Act to Prevent Damage to Lobsters**

**LD 449**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN LEMONT	OTP-AM	H-255

Public Law 2001, chapter 205 requires lobster traps to have 2 runners on the bottom of the trap, a second layer of material attached to the bottom of the trap or another device designed to minimize damage to lobster claws and approved by the commissioner.

### **PUBLIC 226     An Act to Reauthorize and Expand the Lobster Promotion Council**

**LD 382**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM	H-390

Public Law 2001, chapter 226 continues to capitalize the Lobster Promotion Fund through surcharges on lobster and crab licenses through the year 2005. The amendment also increases the surcharge on each license used to capitalize the fund by 25%.

### **PUBLIC 248     An Act to Clarify Where a Public Hearing Involving Dredging Activity by the Department of Marine Resources Must be Held**

**LD 281**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM    MAJ ONTP        MIN	H-398

Public Law 2001, chapter 248 removes from current law the requirement for the Commissioner of Marine Resources to hold a public hearing on a proposed dredging operation. If a hearing is not to be held, Chapter 248 requires the commissioner to publish a notice in a newspaper of general circulation that if 5 or more persons request a hearing one will be held. The notice must also state that verbal and written comments will be accepted in lieu of the hearing.

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### **PUBLIC 272     An Act Making Technical Changes in the Marine Resources Laws**

**LD 1653**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMONT LEMOINE	OTP-AM	S-169

Public Law 2001, chapter 272 makes several technical changes to the marine resources laws. It clarifies that the term "coastal waters" means marine waters out to the seaward extent of the exclusive economic zone and provides that the term "territorial waters" means marine waters only out to the 3-nautical-mile line described on United States Government nautical charts. It also applies those definitions to certain statutes. Chapter 272 corrects the description of the Monhegan Lobster Conservation Area and it clarifies that fishing for seaweed is not subject to the commercial fishing license. It provides that until January 30, 2008, a person may have up to 6 lobster traps on a trawl within a specified area of Saco Bay and it deletes a reference to having more than 10 lobster traps "on one warp and buoy" in waters in the vicinity of Kittery. It also requires each trawl set in waters in the vicinity of Kittery to be marked with a buoy on both ends of the trawl.

### **PUBLIC 282     An Act to Expand the Options for a Lobster Management Zone**

**LD 1483**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLENIK GOLDTHWAIT	OTP-AM     MAJ ONTP         MIN	H-391

Public Law 2001, chapter 282 establishes a pilot program for Zone C. It allows a lobster management policy council for Zone C to propose to the Commissioner of Marine Resources rules for Zone C that increase the minimum length of time an apprentice must be enrolled in the lobster apprentice program; require a sponsor of an apprentice to have held a lobster and crab fishing license for at least 5 years; add a course work requirement to the apprentice program; allow apprentices to only enter Zone C if they apprenticed in Zone C; and require a one-year, 2-year or 3-year delay in transfers into Zone C from other zones. Chapter 282 also repeals the pilot program June 1, 2004.

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### **PUBLIC 327     An Act to Manage the Sea Urchin Fishery**

**LD 1010**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMONT LEMOINE	OTP-AM	S-125

Public Law 2001, chapter 327 changes the licensing provisions for sea urchin dragging. Beginning in January 2002, individuals will be licensed rather than the activities of a boat. It allows for a one-time change to the named individual on a sea urchin dragging license to coincide with the owner of the boat named on that license in 2000. Also beginning in January 2002, chapter 327 requires an individual who holds a sea urchin dragging license to be aboard the boat named on that license when fishing for sea urchins. It also makes exemptions for temporary illness or disability on the part of the licensee or temporary changes due to boat accident or mechanical failure. A "grandfathering" exemption is added to allow for a person who currently holds more than one sea urchin dragging license to continue to do so until the current boat named on that license changes.

Chapter 327 also changes the sea urchin lottery system to a limited entry system and instructs the Commissioner of Marine Resources to adopt rules to establish a limited entry system for sea urchins.

Chapter 327 also makes the following changes to the laws regarding the sea urchin fishery:

1. It allows Sea Urchin Zone Council members to be reimbursed for expenses only.
2. It requires the Commissioner of Marine Resources to suspend the sea urchin fishing license for one year from the date of a license holder's conviction for fishing in a closed area.
3. It establishes a rebuttable presumption that anyone diving from a boat with sea urchins aboard is diving for sea urchins.
4. It requires the Commissioner of Marine Resources to establish by rule open days for sea urchin harvesting for Zone 1 and Zone 2 after consultation with the Sea Urchin Zone Council and repeals the current provision governing open days. The bill also makes it unlawful for a person to harvest sea urchins on a day not designated as an open day.
5. It requires the Commissioner of Marine Resources to adopt rules to establish conservation areas for the purpose of sea urchin research and makes fishing for sea urchins in those areas a violation subject to the penalties under the Maine Revised Statutes, Title 12, section 6749-Y.

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6. It strikes the provision that would repeal Title 12, chapter 623, subchapter II-C, article 3, "Emergency Limitations; Sea Urchin Fishery," and makes conforming changes in contemplation of the law continuing past 2001.
7. It reduces the surcharge for a sea urchin processor's permit from \$2500 to \$1000.
8. It authorizes use of the Sea Urchin Research Fund for reimbursement for travel expenses for Sea Urchin Zone Council members.

### **PUBLIC 340    An Act to Allow Marine Patrol Officers to Hold Elected    LD 1788 EMERGENCY Positions**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-534

Public Law 2001, chapter 340 allows marine patrol officers to hold elected positions in municipal or county government.

Chapter 340 was enacted as an emergency measure effective May 31, 2001.

### **RESOLVE 11    Resolve, to Regulate the Harvesting of Horseshoe Crabs    LD 308**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL KILKELLY	OTP-AM	H-158

Resolve 2001, chapter 11 directs the Department of Marine Resources to assess the size of the horseshoe crab resource using volunteer data collectors and to determine whether rules and a system of licensing for the harvest of horseshoe crabs are needed to protect the resource. It also authorizes, but does not require, the department to adopt routine technical rules for the harvest of horseshoe crabs.

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**RESOLVE 36**   **Resolve, Regarding Legislative Review of Chapter 55.58:**   **LD 1769**  
**EMERGENCY**   **Penobscot River Fishing Closure, a Major Substantive**  
                  **Rule of the Department of Marine Resources**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Resolve 2001, chapter 36 authorizes the final adoption of Chapter 55.58: Penobscot River Fishing Closure, a major substantive rule of the Department of Marine Resources.

Chapter 36 was enacted as an emergency measure effective May 22, 2001.

**PASSED**                    **JOINT STUDY ORDER – Joint Study Committee**                    **HP 1384**  
                  **to Study the Loss of Commercial Fishing Waterfront**  
                  **Access and Other Economic Development Issues**  
                  **Affecting Commercial Fishing**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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HP 1384 establishes the Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing. It directs the committee to review current policy regarding the State's fishing industry and make recommendations to preserve the fishing industry. The committee is specifically directed to address waterfront access for commercial fisheries and economic development issues. The committee is to report its findings to the Joint Standing Committee on Marine Resources no later than December 5, 2001.



## *Natural Resources*

### **PUBLIC 22      An Act to Establish the State's Recycling and Waste Reduction Goals      LD 504**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT TOBIN D	OTP	

Public Law 2001, chapter 22 establishes a waste reduction goal to be met by January 1, 2003 and delays the date by which the State is to meet the 50% recycling goal, consistent with the directive of the Maine Revised Statutes, Title 38, section 2132, subsection 2. It also corrects a reference to the State Planning Office.

### **PUBLIC 38      An Act to Provide Clarification on the Use of Impact Fees      LD 346**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOBIN D NUTTING J	OTP	

Public Law 2001, chapter 38 clarifies that communities that are part of a school administrative district or other single or multicommunity school district may deposit the proceeds of school impact fees in a trust fund to be used to pay their proportionate share of anticipated school capital costs.

### **PUBLIC 42      An Act to Extend and Amend the Requirement for EMERGENCY      Giving Prior Notice of Acquisitions of Solid Waste Businesses      LD 131**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP	

Public Law 2001, chapter 42 amends the law requiring a person to give notice to the Office of the Attorney General at least 30 days before acquiring a solid waste or residue hauling business in the State. It removes the 5-employee threshold for application of the notice requirement and extends the repeal date of the requirement to 90 days after adjournment of the Second Regular Session of the 120th Legislature.

Chapter 42 was enacted as an emergency measure effective April 10, 2001.

## *Natural Resources*

### **PUBLIC 113     An Act to Establish the Maine Cave Protection Act**

**LD 560**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESMOND	OTP-AM	H-227

Public Law 2001, chapter 113 establishes the Maine Cave Protection Act. It requires that a person receive consent prior to excavating in a cave and to undertake investigations and explorations in a manner that will not impede the recovery of historic and scientific information. This law clarifies that recreational caving is a recreational or harvesting activity for the purposes of limited liability of landowners under the Maine Revised Statutes, Title 14, section 159-A. Violations of the Maine Cave Protection Act are established as civil violations with provisions that also allow landowner to collect actual damages through a civil action from a person who intentionally damages or defaces a cave.

### **PUBLIC 174     An Act to Restrict the Use of the Term "Maine Water" to Water From Maine**

**LD 1354**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN COWGER	OTP	

Public Law 2001, chapter 174 prohibits the labeling or advertising of water as "Maine water" or "from Maine" unless the water is from a natural source in the State.

### **PUBLIC 207     An Act Exempting Prehistoric and Historic Archaeological Work from Permitting Requirements under the Natural Resource Protection Laws and the Shoreland Zoning Laws**

**LD 516**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH	OTP-AM	H-226

Public Law 2001, chapter 207 exempts archaeological excavations from permits under the natural resource protection laws and shoreland zoning permitting requirements. The law also directs the Maine Land Use Regulation Commission to adopt rules exempting archaeological excavations that are within its jurisdiction and adjacent to a great pond, freshwater wetland, coastal wetland, sand dune system, river, stream or brook from its permitting requirements.



## *Natural Resources*

### **PUBLIC 212     An Act to Amend Certain Laws Administered by the Department of Environmental Protection**

**LD 527**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP	

Public Law 2001, chapter 212 changes the date on which the Department of Environmental Protection must publish its annual fee schedule from August 1st to November 1st. The law also gives the Department of Environmental Protection authority to waive the penalty on late payment of the oil import fees that make up the Ground Water Oil Clean-up Fund, clarifies the requirements applicable to closure and remediation of municipal landfills, provides for the voluntary surrender of solid waste facility licenses, clarifies the permissible uses of the Maine Hazardous Waste Fund and makes certain administrative changes to Maine's toxics use reduction laws by changing the dates for fees from April and July to October 1st, beginning in 2002, and by creating a flat poundage amount of 2,640 pounds for identifying companies subject to the hazardous waste reporting portion of the law.

### **PUBLIC 216     An Act to Strengthen the Ground Water Oil Clean-up Fund**

**LD 857**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE MARTIN	OTP-AM	H-229

Public Law 2001, chapter 216 raises the amount of the Ground Water Oil Clean-up fund balance of which surcharge fees can be charged from \$3,000,000 to \$5,000,000. The fees terminate when the fund balance reaches \$7,000,000, rather than \$5,000,000. The law also clarifies that the amount of the standard deductibles applicable under the Ground Water Oil Clean-up Fund are based on the number of underground storage facilities or the capacity of gallons owned by the aboveground oil storage facility owner at the time a discharge is discovered and removes an exemption from coverage under the Ground Water Oil Clean-up Fund for applicants having certain relationships with entities that own or operate an oil refinery as long as the discharge is discovered after September 30, 2001. The law also increases the limit on the surcharge that may be assessed on gasoline and other petroleum products from 10¢ to 20¢ per barrel for gasoline and from 5¢ to 10¢ per barrel for other petroleum products.

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**PUBLIC 230      An Act to Ensure the Financial Stability and      LD 1348**  
**Effectiveness of Certain Pollution Abatement Programs**  
**Administered by the Department of Environmental**  
**Protection**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TWOMEY	OTP-AM	H-300

Public Law 2001, chapter 230 increases the annual license fees for overboard discharges throughout the State. The base fee is increased for all overboard discharges, and the discharge fee per gallon of wastewater is raised from \$0.02 per gallon to \$0.05. A reference to storm water discharges is removed from the general permit fee coverage. A small number of nonsubstantive clarifications and corrections to inconsistent language are also made. The law also clarifies that the units of measurement for nonconventional and toxic pollutants are to be in milligrams per liter.

**PUBLIC 231      An Act to Improve the Inspection and Maintenance of      LD 1666**  
**Underground Oil Storage Tanks**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOBIN D MARTIN	OTP-AM	H-316

Public Law 2001, chapter 231 prevents discharges from underground oil storage tanks by prohibiting delivery of oil to bare steel and other nonconforming tanks that are illegal to operate under current law, establishes a program to expand the pool of qualified persons who can inspect an underground storage tank, and amends the law governing the Underground Oil Storage Replacement Fund to provide financial assistance if substantial tank repairs are needed.

This law also revises the Board of Underground Tank Installers to eliminate the requirement that one of the seats on the 7-member board be reserved for a representative from the Oil and Solid Fuel Board, the Plumbers' Examining Board or the State Board of Certification for Geologists and Soil Scientists. This law also authorizes the Department of Environmental Protection to take administrative enforcement action against the owner and operator of an underground oil storage tank if the tank has not been inspected as required under state law or repaired as necessary to correct any deficiencies discovered during the inspection, and prohibits oil dealers from filling a nonconforming underground oil storage tank, such as one that is not resistant to corrosion, provided the tank appears on a list of nonconforming tanks published by the department.

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### **PUBLIC 232     An Act to Amend Certain Laws Regarding Land and Water Quality Protection**

**LD 1477**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	H-314

Public Law 2001, chapter 232 makes the following changes to statutes administered by the Department of Environmental Protection, Bureau of Land and Water Quality:

1. It repeals a provision that prevents a cause of action by a riparian or littoral owner against a licensed discharger under certain circumstances;
2. It changes the date in the definition of "Code of Federal Regulations" to include amendments to that code effective on or before January 1, 2001;
3. It changes the date in the definition of "Federal Water Pollution Control Act" to include amendments to that Act effective on or before January 1, 2001;
4. It amends the definition of "person" to specifically include an association, a partnership and the agents and employees of the legal entities included in the definition;
5. It removes a requirement related to an initial report submitted several years ago and waives the reporting requirement when the program is not funded;
6. It removes an exemption from wastewater discharge licensing requirements for use of control material on invasive aquatic plants by the department or a person designated by the department;
7. It removes the cap of \$1,000,000 for total expenditures in any fiscal year for purposes of grants under the small community grant program;
8. It provides that any standard established by the department pursuant to the Maine Revised Statutes, Title 38, section 413 or 414-A with respect to cooling water discharges and applicable to point sources requires that the location, design, construction and capacity of cooling water intake structures reflect the best available technology for minimizing adverse environmental impacts;
9. It amends the definition of "publicly owned treatment works" to make it more consistent with the federal definition by adding a reference to sewer pipes leading to the treatment facility itself;
10. It clarifies that a person needing a permit under the storm water management law must receive approval prior to beginning construction;

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11. It deletes language in the section of the storm water management law referring to traffic permits, which the department no longer requires. It also adds language providing that a storm water permit is not required in a municipality with delegated authority under the site location of development law if the ordinances under which the project is reviewed are at least as stringent as the department's storm water standards, as determined by the department;
12. It clarifies that the Maine Land Use Regulation Commission, or LURC, may amend permits for projects in LURC jurisdiction that were previously issued by the department pursuant to the natural resources protection laws;
13. It corrects an apparent conflict between the Maine Revised Statutes, Title 38, section 480-E-1 and section 480-V. Currently, Title 38, section 480-E-1 provides that LURC issues all permits under the natural resources protection law, Title 38, chapter 3, subchapter I, article 5-A, for projects within its jurisdiction, using Title 12, sections 681 to 689 and rules and standards adopted under those sections. However, Title 38, section 480-V states that that article does not apply to certain protected natural resources within LURC jurisdiction. Under the bill, Title 38, chapter 3, subchapter I, article 5-A would apply statewide and LURC would continue to issue permits in LURC jurisdiction pursuant to Title 38, section 480-E-1;
14. It requires a 2nd report to the joint standing committee of the Legislature having jurisdiction over natural resources matters concerning the wetlands compensation program;
15. It changes the repeal date for the statutory section providing for a wetlands compensation program from October 15, 2001 to October 15, 2003;
16. It makes 3 changes to the site location of development law's exemption for roundwood and lumber storage yards. First, it clarifies that the phrase "erosion and sedimentation control standards and storm water standards contained in board rules" refers to rules adopted pursuant to the site location of development law. Second, it provides a fee for the processing of an application for a minor revision or transfer of the submitted notice of intent. Third, it deletes a reference to certain guidance documents;
17. It makes 2 changes to the site location of development law's exemptions for certain modifications in permitted subdivisions. The Maine Revised Statutes, Title 38, section 488, subsection 20 currently contains 3 separate exemptions. No change is proposed to the exemption Title 38, section 488, subsection 20 in paragraph A. The proposed amendment to Title 38, section 488, subsection 20, paragraph B adds a requirement, consistent with an existing requirement in Title 38, section 488, subsection 20, paragraph A, that the proposed activity not be contrary to the terms of the original permit. The bill repeals Title 38, section 488, subsection 20, paragraph C, which contains an exemption addressing relocation of septic systems; and

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18. It reduces from 4 to 3 the number of members of the Maine Public Drinking Water Commission who represent public water systems and increases the number of public members from 2 to 3. The size of this commission remains at 8 members. An unallocated section reassigns 2 current members as necessary to accommodate the new categories.

**PUBLIC 233     An Act to Create Certainty in Maine's Air Quality Program**

**LD 1252**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKENNEY	OTP-AM	H-298

Public Law 2001, chapter 233 prohibits the Board of Environmental Protection from adopting rules to implement the California enhanced vapor recovery system in Maine, as adopted by the California Air Resources Board on March 23, 2000. It does, however, allow for fine-tuning of the State's Stage II rule to allow for adoption of minor elements of the California enhanced vapor recovery system, such as a swivel adaptor part, for use in current Stage II systems. It also directs the Department of Environmental Protection to report back to the Joint Standing Committee on Natural Resources with an appropriate date for the repeal of this prohibition.

**PUBLIC 247     An Act to Ensure Municipal Authority over Sludge and Septage Land Spreading Sites**

**LD 1449**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER KILKELLY	OTP-AM	H-302

Public Law 2001, chapter 247 requires the Department of Environmental Protection to develop guidance to municipalities regarding the regulation of septage and sludge land application and also requires the department to report on the status of that guidance by January 30, 2002. It also clarifies that septage is excluded from the definition of solid waste.

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### **PUBLIC 277      An Act to Reduce the Release of Dioxin from Consumer      LD 1543** **Products into the Environment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT COWGER	OTP-AM	S-178

Public Law 2001, chapter 277 clarifies that the out-of-door burning of highly combustible trash is prohibited when municipal trash service is provided, not just in those towns having curbside trash collection services. This law also bans the out-of-door burning of construction and demolition debris containing plastics, rubber, styrofoam, metals, food wastes or chemicals and adds a state goal to reduce the release of dioxin and mercury to the environment. This law also authorizes a one-time dioxin-related education program that must be implemented within existing budgeted resources of the Department of Environmental Protection.

### **PUBLIC 283      An Act to Require Truth in Advertising of Natural      LD 1358** **Water**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN COWGER	OTP-AM	S-135

Public Law 2001, chapter 283 requires that water sold in the State in containers and intended for human consumption must identify the location of the water body, well or public water supply from which the water was obtained.

### **PUBLIC 302      An Act to Protect Sensitive Geologic Areas from Oil      LD 179** **Contamination**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER DOUGLASS	OTP-AM	H-224 H-448 COWGER

Public Law 2001, chapter 302 prohibits the installation of new underground oil storage facilities within the source water protection area of a public drinking water supply or within 1000 feet of the public water supply, whichever is greater, and within 300 feet of a private water supply, except for a private water supply located on the same property as a facility and serving only that facility. The Commissioner of Environmental Protection is authorized to enjoin the operation of any facility installed in violation of those prohibitions. Clean-up

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costs and 3rd party damages caused by discharges from a facility installed in violation of those prohibitions are not eligible for reimbursement from the Ground Water Oil Clean-up Fund.

This law allows the Commissioner of Environmental Protection to grant a variance from those prohibitions. For community public water systems and groundwater resources serving schools and private wells, a variance is available only when no hydrogeological connection between the proposed facility and the potentially affected water supply can be demonstrated. For other types of public drinking water supply systems, a variance may be issued if the commissioner determines that the engineering and monitoring measures proposed by the applicant go beyond current minimum regulatory requirements and will effectively minimize releases of oil and the likelihood of groundwater contamination. An opportunity for public comment is required on each request for a variance. The Commissioner of Environmental Protection is required to submit a report to the Joint Standing Committee on Natural Resources on the department's experience in administering the statutory variance criteria and any recommendations on amending those criteria.

The law also requires the Board of Environmental Protection to adopt major substantive rules setting forth standards for siting new underground storage facilities used to store motor fuels or used in the marketing or distribution of oil within sand and gravel aquifers and their recharge areas that are mapped by the Maine Geological Survey. Those rules must be provisionally adopted and submitted to the Legislature for its consideration prior to March 3, 2002.

### **PUBLIC 315      An Act to Provide for Remediation of Abandoned Landfills**

**LD 1724**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP      MAJ ONTP      MIN	

Public Law 2001, chapter 315 clarifies the authority of the Department of Environmental Protection to undertake or compel remediation of discharges from solid waste landfills. It "delinks" the closure and remediation aspects of the landfill program so it is clear that there are 2 parts: closure, which is almost entirely done and remediation, which will continue for the foreseeable future. It clarifies that municipalities are eligible for reimbursement by the State of 90% of landfill remediation costs provided remediation activities are performed in accordance with a plan approved by the department. It clarifies that the financial assurance requirement for post-closure care of solid waste facilities applies to all private facilities licensed by the Department of Environmental Protection, regardless of when the facilities were licensed, closed or ceased handling waste. Finally, it clarifies that money may be disbursed from the Maine Solid Waste Management Fund to abate public health threats from solid waste disposal without waiting until the threat becomes "imminent" and regardless of whether the threat stems from legal or illegal disposal activity.

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### **PUBLIC 333     An Act to Establish a Clean Government Initiative**

**LD 886**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT COWGER	OTP-AM	S-194

Public Law 2001, chapter 333 creates the Clean Government Initiative to assist state agencies in meeting environmental compliance requirements and to assist those agencies in incorporating environmentally sustainable practices into all state government functions. The Clean Government Initiative is jointly directed by the Commissioner of Environmental Protection and the Commissioner of Administrative and Financial Services. The Clean Government Initiative seeks to achieve continuous improvement in environmental performance of all state agencies through such measures as pollution prevention, improvements in energy efficiency, procurement of environmentally friendly commodities and services, recycling of waste products and enhanced fleet efficiency through the purchase of fuel-efficient vehicles and proper fleet maintenance.

The law requires the Commissioner of Environmental Protection and the Commissioner of Administrative and Financial Services to establish a coordinated State Government environmental compliance policy that includes the incorporation of environmentally sustainable practices into state government, to establish goals for the economic and environmental performance of state agencies, to advise and assist state agencies in the development of environmental compliance audits and plans and in implementing those plans, to advise the Governor and the Legislature on the formulation of policies for the effective operation, management and achievement of the goals of the Clean Government Initiative and to ensure that the master plan of the Capitol Planning Commission is implemented in a manner consistent with those goals.

The law requires each state agency to determine its compliance with applicable state and federal environmental laws and to develop a biennial plan outlining the actions the agency will take to incorporate environmentally sustainable practices into its planning and operations.

The law also requires the Commissioner of Environmental Protection and the Commissioner of Administrative and Financial Services to jointly report on the activities of all state agencies under the initiative to the joint standing committee of the Legislature having jurisdiction over natural resources matters and the joint standing committee of the Legislature having jurisdiction over state government matters every 2 years, beginning on January 1, 2003. The law also clarifies that environmentally friendly procurement by state agencies under the Clean Government Initiative includes alternatives to products that may release dioxin or mercury to the environment. The amount and rate of environmentally friendly purchasing remains at the discretion of the state agencies. Only cost-effective alternatives that have comparable technical performance and availability would be considered.



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### **PUBLIC 356    An Act to Pay for Cleanup of Contamination at a EMERGENCY   Waste Oil Disposal Site in Plymouth**

**LD 1408**

Sponsor(s)  
STANLEY  
MARTIN

Committee Report  
OTP-AM

Amendments Adopted  
H-496

Public Law 2001, chapter 356 amends the law to address the past cost settlement, remedial study costs and time-critical removal action costs of persons who sent waste oil and other hazardous matter to a handling facility in Plymouth.

1. It authorizes the Finance Authority of Maine, or "FAME," to use money in the Waste Oil Clean-up Fund for loans for remedial study costs, past settlement costs and time-critical removal action costs associated with the Plymouth waste oil site.
2. It amends the loan eligibility criteria.
3. It specifies that loans may not be used to pay attorney's fees.
4. It authorizes FAME to condition loan payments on receipt of an ability-to-pay determination from the United States Environmental Protection Agency, or "EPA."
5. It requires loan applications to be received by FAME within 90 days after the effective date of this Act.
6. It defers repayment of the loans until a final remedy at the site and the cost of the final remedy are determined.
7. It directs FAME to prorate the amount of the loan available to each applicant, if the total amount of loan requests exceeds funds available.
8. It requires FAME to establish a registry of persons who qualify for the loans.
9. It has a transition provision for loans received under the previous Plymouth remedial study loan program.
10. It authorizes the Joint Standing Committee on Natural Resources to report out legislation during the Second Regular Session of the 120th Legislature relating to clean-up costs and remedial activities at the Plymouth site.

Chapter 356 was enacted as an emergency measure effective June 4, 2001.

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### **PUBLIC 359      An Act to Implement the Recommendations of the Task      LD 1278 Force to Study Growth Management**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-563 COWGER S-139

Public Law 2001, chapter 359 amends the subdivision law. It amends the definition of subdivision. It also provides that a municipality may not enact an ordinance that expands the definition of subdivision except as provided in the law and it repeals this provision as of October 1, 2002. Chapter 359 also requires the State Planning Office to study the status of municipal subdivision ordinances and to report to the Joint Standing Committee on Natural Resources before December 15, 2001. The joint standing committee is authorized to submit legislation to the Second Regular Session of the 120th Legislature based on that study. Chapter 359 applies retroactively to June 1, 2001.

### **PUBLIC 367      An Act to Amend the Clean Car Incentives Pilot Program      LD 1813**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP      MAJ OTP-AM      MIN	

Public Law 2001, chapter 367 amends the Clean Car Incentives Pilot Program to allow money in the Clean Fuel Vehicle Fund to be used to pay automobile scrappers up to \$350 for each high-pollution vehicle scrapped under the program. The term "automobile scrapper" is to be defined in rules adopted by the Board of Environmental Protection and may include, but it not limited to, an automobile graveyard, an automobile recycling business or a junkyard, as those terms are defined in the Maine Revised Statutes, Title 30-A, section 3752.

The law also directs the Board of Environmental Protection to adopt emergency routine technical rules to define automobile scrappers and to establish the process for making payments to automobile scrappers.

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### **PUBLIC 373     An Act to Further Reduce Mercury Emissions from Consumer Products**

**LD 1665**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM     MAJ	H-417
MARTIN	OTP-AM     MIN	H-471   COWGER S-247   MARTIN

Public Law 2001, chapter 373 reduces the release of mercury into the environment from consumer products.

### **PUBLIC 385     An Act to Address the Health Effects of Mercury Fillings**

**LD 1409**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH	OTP-AM     MAJ	S-278
STANLEY	OTP-AM     MIN	

Public Law 2001, chapter 385 requires the Director of the Bureau of Health within the Department of Human Services to develop and adopt, through major substantive rulemaking, a brochure that explains the potential advantages and disadvantages of mercury amalgam and alternative materials used in dental procedures and a poster informing patients of the availability of the brochure. A dentist who uses mercury amalgam in dental procedures is required, after July 1, 2002, to display the poster in the public waiting area of that dentist's office and to provide each patient with a copy of the brochure. The brochure and the poster are required to be developed in consultation with the Department of Environmental Protection.

### **PUBLIC 406     An Act to Amend the Comprehensive Planning and Land Use Regulation Laws**

**LD 1693**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM	S-265
DAIGLE		

Public Law 2001, chapter 406 amends the comprehensive planning and land use regulation laws in the following ways.

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1. It authorizes the State Planning Office within the Executive Department to adopt rules.
2. It clarifies that if a town wants to have a shoreland zone larger than Department of Environmental Protection guidelines, then the shoreland zone ordinance must be based on a comprehensive plan. If the ordinance is not consistent with a comprehensive plan within 24 months after adoption of the plan, the ordinance will no longer be in effect.
3. It provides that after January 1, 2003, rate of growth, zoning and impact fee ordinances must be consistent with a comprehensive plan.
4. It provides that only those portions of a rate of growth, zoning or impact fee ordinance that are not consistent with a comprehensive plan are subject to being deemed no longer in effect.
5. It temporarily exempts from the consistency requirement ordinances of a town that is in the process of preparing a comprehensive plan or implementation program and ordinances that conflict with a newly adopted comprehensive plan or plan amendment.
6. It temporarily exempts from the consistency requirement ordinances of a town that previously requested planning or implementation grants but was denied due to lack of state funds.
7. It exempts slow growing areas from having to establish any growth areas.
8. It exempts certain financial assistance programs from rules adopted by the Department of Administrative and Financial Services for use in the purchase of services and the awarding of grants and contracts.
9. It allows the State Planning Office to require a higher matching requirement for grants to update comprehensive plans.
10. It requires a recipient of a financial assistance grant to cooperate with the State Planning Office in performing program evaluations.
11. It requires coordination among state agencies.
12. It amends the comprehensive plan and growth management program review process undertaken by the State Planning Office.
13. It provides that the State Planning Office's decision on consistency of a comprehensive plan or growth management program constitutes final agency action.
14. It authorizes the State to make growth-related capital investments in a designated growth area if it is identified in a certified growth management program.
15. It deletes the definition of "service center" from the growth management laws.

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16. It requires state agencies to contribute to the implementation of comprehensive plans and growth management programs by making investments, delivering programs and awarding grants in a manner that reinforces the policies and strategies within the comprehensive plans or growth management programs.

**PUBLIC 418     An Act to Implement the Recommendations of the  
EMERGENCY   Department of Environmental Protection on Ambient  
                    Water Quality Criteria for Mercury**

**LD 1308**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-638 COWGER S-276

Public Law 2001, chapter 418 requires the Department of Environmental Protection to establish and periodically revise interim discharge limits for mercury in order to reduce the discharge of mercury over time. Discharge limits established by the department may not be less stringent than an interim limit established by the department pursuant to its rules effective February 5, 2000. A facility discharging mercury must comply with the interim limit unless the department establishes a new interim limit. A facility in compliance with an interim discharge limit or remediation plan, order or license established by the department is not in violation of any of the ambient water quality criteria for mercury.

The law also prohibits discharges of mercury to a publicly owned treatment facility that contributes to the failure of the treatment facility to comply with interim effluent limits or applicable ambient water quality criteria for mercury. The law allows the owner of the publicly owned treatment facility to require a user, other than a residential user, to institute measures needed to abate the discharge of mercury to the facility and establish reasonable time schedules for completion of the measures.

The law also establishes specific ambient water quality criteria for mercury for aquatic life and human health and requires the Department of Environmental Protection to establish by rule wildlife protection criteria. The law also authorizes the department to establish a site-specific bioaccumulation factor for mercury protective of human health and wildlife and requires the department to adopt major substantive rules establishing a statewide bioaccumulation factor protective of 95% of the State's water bodies.

The law also requires the department to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2005 and every 5 years thereafter on the status of mercury discharges; progress in implementing pollution prevention plans; and progress toward attaining ambient water quality criteria for mercury. The report may include any necessary implementing legislation.

Chapter 418 was enacted as an emergency measure effective June 15, 2001.

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### **PUBLIC 434    An Act to Prevent Infestation of Invasive Aquatic EMERGENCY   Plants and to Control Other Invasive Species**

**LD 1812**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		H-694   CLARK
		H-696   COWGER
		H-700   MCKEE

Public Law 2001, chapter 434, which was reported out of committee pursuant to a joint order, creates a program to address threats posed to the inland waters of the State by invasive aquatic plants and nuisance species. The program is implemented through the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife.

The law requires those departments to conduct in 2001 a program that includes a substantial public education component combined with at least 5,000 person hours spent inspecting boats, motors and trailers for invasive aquatic plants at selected boat launching facilities and at no fewer than 10 roadside locations at or near the state border. In 2002 and subsequent years, the actual level of inspections will be determined by those departments in consultation with the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species, established in the law.

In addition to the education and inspection components of the program, the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife are authorized to jointly issue emergency orders to restrict or prohibit the use of any watercraft on all or a portion of a water body that has a confirmed infestation of an invasive aquatic plant. Such orders must be for a specific period of time and may be issued only when the use of watercraft on that water body threatens to worsen or spread the infestation. If the infested water body is a public drinking water supply, public notification and opportunity for comment is required prior to taking any response action that proposes the use of a chemical control agent.

The law also prohibits the operation of a motorboat or personal watercraft on inland waters after January 1, 2002 unless that motorboat or personal watercraft displays a lake and river protection sticker. The fee for the sticker is \$10 for a motorboat or personal watercraft registered in Maine and \$20 for motorboats and personal watercraft not registered in Maine. The sticker will be available statewide through all agents authorized by the Department of Inland Fisheries and Wildlife to register boats or sell hunting and fishing licenses. The remaining revenues from the stickers are divided between new funds in the Department of Inland Fisheries and Wildlife and the Department of Environmental Protection to be used for education, inspection and enforcement efforts related to the control of invasive aquatic plants and nuisance species, either directly or through grants to public or private entities. Forty percent of the revenues from the stickers are allocated to the Department of Inland Fisheries and Wildlife and 60% of the revenues are allocated to the Department of Environmental Protection.

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The law also creates a 17-member Interagency Task Force on Invasive Aquatic Plants and Nuisance Species with the responsibility of advising the Land and Water Resources Council on various actions to control invasive aquatic plants and nuisance species and to recommend a state plan to address those threats. The Task Force is also directed to work with representatives from federal, state and local agencies and private environmental and commercial interests to form a northeastern regional panel to establish priorities and coordinate activities to prevent the spread of invasive aquatic plants and nuisance species in the Northeast.

The law transfers from the Maine Rainy Day Fund to the Department of Environmental Protection and Department of Inland Fisheries and Wildlife a sufficient amount of money to fund program costs for the 2001 boating season, but requires that those departments reimburse the Maine Rainy Day Fund in full prior to the end of the 2001-02 fiscal year. Program costs for 2002 subsequent years and are funded entirely from revenues collected from the annual sale of lake and river protection stickers.

The law also directs the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife to report to the Joint Standing Committee on Natural Resources and the Joint Standing Committee on Inland Fisheries and Wildlife no later than January 15, 2002, on the invasive aquatic plant education and inspection program conducted during the 2001 boating season and on plans for that program for 2002 and subsequent years. The law authorizes the Joint Standing Committee on Natural Resources to report out legislation on invasive aquatic plants and nuisance species to the Second Regular Session of the 120th Legislature.

### **PUBLIC 460     An Act to Promote Dam Safety**

**LD 481**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR MARTIN	OPT-AM	H-559 S-380

Public Law 2001, chapter XXX consolidates existing dam safety laws within the Department of Defense, Veterans and Emergency Management and moves the Dam Repair and Reconstruction Fund from the Department of Environmental Protection to the Department of Defense, Veterans and Emergency Management. The substantive changes made in the dam safety laws in this law include changing the definition of a dam to exclude low-head dams that do not pose a safety risk, codifying the definitions of high, low and significant hazard potential dams, setting forth a new schedule for inspections and hazard evaluation and authorizing the Department of Defense, Veterans and Emergency Management to issue an order to breach, remove or control a dam if the dam presents a potential risk to public safety.

The law also expands the use of money in the dam repair and reconstruction fund to include the breaching or removal of a dam. The law transfers all funds in the dam reconstruction and repair fund from the Department of Environmental Protection to the Department of Defense,

## *Natural Resources*

Veterans and Emergency Management and allocates funds from the Dam Repair and Reconstruction Fund within the Department of Defense, Veterans and Emergency Management to the Department of Inland Fisheries and Wildlife to fully fund the repair and reconstruction of 2 dams on Rocky Lake in Whiting.

### **RESOLVE 3      Resolve, to Create a Greenhouse Gas Registry**

**LD 87**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE MARTIN	OTP-AM	H-23

Resolve 2001, chapter 3 directs the Board of Environmental Protection to adopt rules to create a voluntary registry of greenhouse gas emissions. The registry must provide for the collection of data on reductions in greenhouse gas emissions as well as on the origin of those emissions and on production activity to allow tracking of future emission trends.

### **RESOLVE 21      Resolve, to Provide for the Transfer of Funds to the Tire Management Fund and Require a Plan to Permanently Dedicate Fees Paid When Purchasing a New Tire or Battery to Tire Stockpile Abatement, Remediation and Cleanup**

**LD 230**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKENNEY SMALL	OTP-AM	H-225

Resolve 2001, chapter 21 transfers \$570,000 in fiscal year 2001-02 from the Maine Solid Waste Management Fund to the Tire Management Fund and transfers in fiscal year 2002-03 50% of the surplus in the Maine Solid Waste Management Fund to the Tire Management Fund. Those transferred funds must be used for tire stockpile abatement, remediation and cleanup. The Resolve also directs the Commissioner of Environmental Protection and the Director of the State Planning Office to prepare an implementation plan, timetable and budget to accomplish the legislative goal of permanently dedicating those fees for tire pile abatement, remediation and cleanup while continuing to support the positions currently funded by those fees either through the General Fund or through some other revenue source. That plan must be submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2003. That committee is authorized to report out a bill to the First Regular Session of the 121st Legislature.



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### **RESOLVE 23    Resolve, to Assist Municipalities in Developing and Using Geographic Information Systems to Track Development and Promote Smart Growth**

**LD 578**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS GAGNON	OTP-AM	H-315

Resolve 2001, chapter 23 directs the State Planning Office to convene a steering committee to study and design a statewide geographic information system that can be utilized for a variety of planning purposes. It requires the steering committee to submit a report to the Joint Standing Committee on Natural Resources by January 15, 2002 and authorizes the Joint Standing Committee on Natural Resources to introduce legislation to the Second Regular Session of the 120th Legislature.

### **RESOLVE 28    Resolve, to Assess the Consequences of Climate Change in the State**

**LD 1429**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN SAWYER	OTP-AM	H-230

Resolve 2001, chapter 28 designates the climatologist at the Institute for Quaternary and Climate Studies at the University of Maine as the "Maine State Climatologist" and directs the Maine State Climatologist to design and develop a statewide environmental monitoring network to detect changes in key environmental conditions related to climate. The program must be designed to increase public awareness of climate-related phenomena and to identify actions that may be taken to lower risks of climate change and its effects on public health and welfare. The information developed by the program must be available to the public and organized in a manner to help businesses, natural resource managers, farmers and governmental agencies plan for future effects of climate change. The law also directs the Department of Environmental Protection to identify a process for collecting and reporting statewide emissions of greenhouse gases on a regular basis and to develop and maintain a voluntary registry of actions taken subsequent to 1989 by persons or corporations to control emissions of greenhouse gases, including the sequestration of carbon that otherwise might have been released as carbon dioxide.

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<b>RESOLVE 29</b>	<b>Resolve, to Establish a Model Building Rehabilitation Code for the State</b>	<b>LD 1331</b>
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<u>Sponsor(s)</u> KOFFMAN TREAT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-299
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Resolve 2001, chapter 29 directs the State Planning Office, with assistance from the Maine Building Rehabilitation Code Advisory Council, to develop a model building rehabilitation code for Maine, develop options for providing fiscal incentives for municipalities to adopt the model code and, to the extent funding is available, provide technical assistance and training in connection with the model code. It also creates the Maine Building Rehabilitation Code Advisory Council for the limited purpose of assisting the State Planning Office in developing the model code. It also directs the State Planning Office to develop the code by January 15, 2002 and report back to the Joint Standing Committee on Natural Resources by February 15, 2002.

<b>RESOLVE 31</b>	<b>Resolve, to Encourage State Monitoring and Management of Conservation Easements</b>	<b>LD 1700</b>
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<u>Sponsor(s)</u> CARR	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-303
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Resolve 2001, chapter 31 encourages certain state agencies to pool existing resources to monitor and manage conservation easements they hold. It also directs the Executive Department, State Planning Office to the extent practicable within existing resources to coordinate the state monitoring and management of conservation easements.

<b>RESOLVE 37</b>	<b>Resolve, to Direct the Bureau of Forestry to Provide Community Forestry Training to Towns</b>	<b>LD 671</b>
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<u>Sponsor(s)</u> GAGNON KOFFMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-136
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Resolve 2001, chapter 37 directs the Bureau of Forestry to provide community forestry training to towns and to develop a model ordinance for community forestry.

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**RESOLVE 65      Resolve to Study the Implementation of a Unified  
Emergency Response for Emergency Releases and  
Spills of toxic or Hazardous Materials**

**LD 1454**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM	H-445
MARTIN		S-376 BENNETT

Resolve 2001, chapter 65 establishes the Commission to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials. The 18-member commission is directed to study the manner in which state, county and municipal governments and private industry respond to unplanned or unlawful releases and spills of toxic or hazardous materials. The commission is to report its findings to the Second Regular Session of the 120<sup>th</sup> Legislature no later than December 5, 2001.

Chapter 65 was enacted as an emergency measure effective June 28, 2001.

**PASSED              JOINT STUDY ORDER – Joint Study Committee  
to Study Growth Management**

**HP 1330**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-371

HP 1330 establishes the Joint Study Committee to Study Growth Management. The 9-member committee is directed to study issues related to sprawl and growth management in Maine and to report its findings and recommendations to the Second Regular Session of the 120th Legislature.



## *State and Local Government*

**PUBLIC 2      An Act to Give the Legislative Council Discretion in      LD 1146**  
**EMERGENCY   Appointing Members to the Revenue Forecasting**  
**Commission**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH BRUNO		

Public Law 2001, chapter 2, which was enacted without reference to a standing committee, changes the composition of the Revenue Forecasting Committee by removing the member who is an analyst from the Office of Fiscal and Program Review and replacing that member with another member of the Legislature's nonpartisan staff familiar with revenue estimating issues. Under the law, this new member is to be appointed by the Legislative Council.

Public Law 2001, chapter 2 was enacted as emergency legislation effective February 22, 2001.

**PUBLIC 5      An Act to Establish Maine Lighthouse Week      LD 106**  
**EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCNEIL SAVAGE C	OTP	

Public Law 2001, chapter 5 designates the 3rd full week in June as Maine Lighthouse Week beginning in 2001.

Public Law 2001, chapter 5 was enacted as an emergency measure effective March 13, 2001.

**PUBLIC 7      An Act to Designate the First Saturday in September      LD 112**  
**as Colonel Freeman McGilvery Day**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY D	OTP      MAJ ONTP      MIN	

Public Law 2001, chapter 7 designates the first Saturday in September as Colonel Freeman McGilvery Day.

## *State and Local Government*

### **PUBLIC 19      An Act to Establish Destroyer Escort Day EMERGENCY**

**LD 245**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAILHOT	OTP      MAJ	
DOUGLASS	ONTP      MIN	

Public Law 2001, chapter 19 designates the 3rd Saturday in June of each year as Destroyer Escort Day in honor of the destroyer escort ships and the people from this State who served on them.

Public Law 2001, chapter 19 was enacted as an emergency measure effective April 6, 2001.

### **PUBLIC 36      An Act to Establish Maine Small Business Week**

**LD 369**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDOUGALL	OTP-AM	H-30
SAWYER		

Public Law 2001, chapter 36 designates the 3rd week in May, or any other week coinciding with the week designated Small Business Week at the national level, as Maine Small Business Week to promote the State's small businesses and the free enterprise system.

### **PUBLIC 65      An Act to Clarify Mutual Aid Agreements Between Law Enforcement Agencies**

**LD 832**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP	
O'GARA		

Public Law 2001, chapter 65 allows a law enforcement agency to request assistance from a municipality, a county or the State for jointly planned collaborative activities or for major unplanned incidents without an agreement specifying liability.

## *State and Local Government*

### **PUBLIC 68      An Act to Designate the Second Saturday in September as Maine Youth Field and Stream Day      LD 70**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP CARPENTER	OTP-AM	H-110

Public Law 2001, chapter 68 designates the 2nd Saturday in September of each year as Maine Youth Field and Stream Day. The Governor is directed to issue annually a proclamation inviting and urging the youth of this State to observe this day by participating in outdoor activities.

### **PUBLIC 78      An Act to Promote Affordable Housing for the Elderly      LD 518**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEDWIN SAWYER	OTP-AM	H-89

Public Law 2001, chapter 78 enables a municipality to appropriate funds and to issue general obligation bonds to provide municipally owned rental housing for the elderly and to facilitate the construction of affordable housing. To accomplish this, the law amends section 5726 of Title 30-A of the Maine Revised Statutes, which delineates the purposes for which municipalities may raise or appropriate money.

### **PUBLIC 97      An Act to Authorize a Major Medical Insurance Program for Prisoners Incarcerated in County Jails      LD 494**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP	

Public Law 2001, chapter 97 authorize 5 or more counties, or an organization representing 5 or more counties, to form a self-funded pool to cover medical expenses of prisoners in county jails. Essentially, the law authorizes counties to aggregate their health risks for prisoners and have such a program managed centrally by the Maine County Commissioners Association.

## *State and Local Government*

### **PUBLIC 100      An Act Relating to the Celebration of Veterans' Week      LD 988**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON SULLIVAN	OTP-AM	S-53

Public Law 2001, chapter 100 encourages the observation of Veterans' Week with appropriate activities each year in every municipality and school administrative unit in the State. Veterans' Week is the period Sunday through Saturday in November in which the federal holiday, Veterans' Day, occurs.

### **PUBLIC 104      An Act to Require the Department of Audit to Conduct Random Audits of State Programs      LD 421**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN KNEELAND	OTP-AM	H-101

Public Law 2001, chapter 104 requires the Department of Audit to conduct random audits of programs existing within state departments and agencies. The law requires the department to report its findings to the Joint Standing Committee on State and Local Government by January 15, 2002 and no later than January 15<sup>th</sup> of each year thereafter.

### **PUBLIC 107      An Act to Change the Job Title of County Administrator to County Manager for York County      LD 769**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY ESTES	OTP	

Public Law 2001, chapter 107 directs the York County commissioners to hire a full-time county manager in place of a county administrator by January 1, 2002. The law defines the duties of the manager and requires that the appointment process, tenure and pay be the same as for the administrator.



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### **PUBLIC 120     An Act to Authorize State Agencies to Arrange for Direct Billing of Hotel Rooms for State Business**

**LD 1083**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP     MAJ	
MCDONOUGH	ONTP     MIN	

Public Law 2001, chapter 120 provides that a hotel, motel or other lodging establishment may directly bill a state agency for services provided to a state employee traveling on state business. A state agency may use a purchase order to procure lodging.

### **PUBLIC 143     An Act to Change the Fiscal Year of Sagadahoc County**

**LD 241**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY	OTP-AM	H-116
SMALL		

Public Law 2001, chapter 143 amends the laws governing the Sagadahoc County budget process to change the dates of submission of the annual budget and the date by which the county commissioners must act on the annual budget. These date changes enable Sagadahoc County to change its fiscal year from January 1st to December 31<sup>st</sup> to July 1st to June 30th. The law also requires the Sagadahoc County commissioners to submit a 6-month budget and a 12-month budget to facilitate the transition to a new fiscal year.

### **PUBLIC 150     An Act to Eliminate the 3 Advisory Members of the Somerset County Budget Committee**

**LD 326**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM	S-65

Public Law 2001, chapter 150 eliminates the 3 nonvoting legislative members of the Somerset County Budget Committee. The law also repeals a requirement that the Somerset County legislative delegation select 3 of its members to serve as nonvoting members on the budget committee.

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### **PUBLIC 161    An Act to Revise the Salaries of Certain Kennebec EMERGENCY   County Officers**

**LD 1773**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Public Law 2001, chapter 161 increases the salaries of certain county officers in Kennebec County retroactively to January 1, 2001.

Public Law 2001, chapter 161 was enacted as an emergency measure effective May 14, 2001.

### **PUBLIC 162    An Act to Provide a Local Option on Display of the United States and State Flags**

**LD 471**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS	OTP-AM    MAJ	H-145
LONGLEY	ONTP       MIN	

Public Law 2001, chapter 162 authorizes the Governor to authorize the United States or State of Maine flag to be flown at half-staff in a political subdivision or a specified location in the State. The law repeals the Class E crime of violating the Federal United States Flag Code.

### **PUBLIC 170    An Act to Repeal the Requirement that the Kennebec County Budget be Approved by the Legislature**

**LD 548**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM    MAJ	H-176
	ONTP       MIN	

Public Law 2001, chapter 170 deletes references to "advisory" from the laws governing the Kennebec County Budget Committee. The law also repeals the requirement that the county budget receive legislative approval and empowers the budget committee to submit a final budget to the county commissioners, who may change the budget only by the unanimous vote of the county commissioners. The law also provides that any changes made by the county commissioners may be overridden by a 2/3 vote of the budget committee. PL 2001, chapter 170 also makes several technical changes to the laws governing the Kennebec County Budget Committee.

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### **PUBLIC 172      An Act to Restructure the Kennebec County Advisory      LD 1673** **Budget Committee**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL C	OTP      MAJ ONTP      MIN	

Public Law 2001, chapter 172 amends the structure of the Kennebec County Budget Committee. The law allows nonelected municipal officials to be elected members of the county budget committee.

### **PUBLIC 203      An Act to Clarify the Laws Governing Employment by      LD 1578** **the State**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH	OTP-AM	S-109

Public Law 2001, chapter 203 amends the law regarding conflict of interest for state employees in 2 ways. First, it prohibits a state employee from receiving remuneration, other than reasonable travel expenses, for performing a function (such as speaking at a seminar) that would reasonably be viewed as part of the employee's job. Second, chapter 203 prohibits a state employee from having a beneficial interest in any entity that is contracting with the state agency that employs that employee. Certain exemptions are provided to the general prohibition.

### **PUBLIC 271      An Act to Authorize the Bureau of General Services to      LD 1165** **Utilize Alternative Delivery Methods for Public** **Improvements and to Amend the Provisions Pertaining** **to Prebid Qualifications of Contractors**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON MCDONOUGH	OTP-AM      MAJ ONTP      MIN	S-205

Public Law 2001, chapter 271 amends the existing competitive-bid system of construction delivery for public construction projects (not including public schools, municipal and county government buildings and DOT projects) to allow alternative delivery methods. The bill permits the Bureau of General Services to use design-build, construction-manager-at-risk and construction-manager-advisor delivery methods. The bureau is also empowered to hire an owner's representative under the competitive bid or any of the alternative delivery methods.

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Chapter 271 establishes the process for selection of public improvement projects that may be considered for alternative methods of delivery and the requirements for requesting proposals, evaluating the qualifications of bidders and bids under the various alternative methods and conducting appeals from decisions of the Department of Administrative and Financial Services, Bureau of General Services. An Alternative Delivery System Review Panel is established to advise the bureau on policy making and project selection. The law also expands the requirements for prospective bidders to provide information in order to qualify to submit bids on public construction projects.

### **PUBLIC 317     An Act to Amend the Laws Governing Registers                          of Deeds**

**LD 1328**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM     MAJ	H-252
KILKELLY	OTP-AM     MIN	S-214   YOUNGBLOOD

Public Law 2001, chapter 317 extends to January 1, 2005 the repeal date for the \$3 document records preservation surcharge that a register of deeds may collect for all documents recorded in the registry.

### **PUBLIC 328     An Act to Amend Eminent Domain Powers**

**LD 103**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM     MAJ	H-528
DOUGLASS	ONTP         MIN	

Public Law 2001, chapter 328 applies to all eminent domain proceedings under Maine law. Under chapter 328, if land taken by eminent domain is not used for the purpose for which taken within 8 years, the entity that took the property must reaffirm the need to retain the property. Property taken for development purposes is considered to be used for its intended purpose if substantial on-site construction has been commenced. The amendment also recognizes that the purpose of a taking may be for conservation purposes to prevent development of land. Following the initial reaffirmation of the public need, additional reaffirmations must take place every 3 years as long as the purpose of the taking remains unaccomplished. Subsequently, if the project for which the taking was accomplished is abandoned or if reaffirmation fails to occur, the taking entity must provide a right of first refusal to the condemnee or condemnee's heir to reacquire the property. The reacquisition price is the original condemnation price plus adjustments for improvements to the property and for changes in the Consumer Price Index since the taking. Written notice must be provided to the condemnee or the condemnee's heir by certified mail, return receipt requested. If the address of the condemnee or the condemnee's heir cannot be determined after reasonable diligence, notice may be by 2 newspaper publications. The condemnee or

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the condemnee's heir then has 90 days to respond or the taking entity may sell the property for fair market value. The condemnee or the condemnee's heir may relinquish his or her rights at any time and full ownership rights transfer to the taking entity

### **PUBLIC 349     An Act Concerning the Administration of County Government**

**LD 1287**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P SHERMAN	OTP-AM	S-231

Public Law 2001, chapter 349 makes several changes in the administration of county government. The law repeals a provision of law that requires a substantial reduction in the pay of county commissioners in counties that hire a county administrator. It establishes the same probationary periods for county employees as those for municipal employees. The law section defines "unencumbered surplus funds" and inserts that term in the place of "unexpended balance" and "actual revenue in excess of estimates" in the law governing the use of surplus funds by counties. Public Law 2001, chapter 349 also requires counties to consider surpluses from all prior years rather than the only the preceding year in complying with the provisions of the laws governing use of surplus funds. It also clarifies the sequence of uses of the county surplus in existing law. The law increases from 10% to 20%, phased in over 3 years, the amount of surplus funds a county may retain for purposes other than reducing the amount of the tax levy in a fiscal year. Finally, the law permits counties to make expenditures of \$10,000 or less for the procurement of goods and services through oral proposals or bids.

### **PUBLIC 352     An Act to Repeal Certain Boards and Commissions**

**LD 1806**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>

Public Law 2001, chapter 352 repeals the following boards and commissions that failed to file an annual report of activities with the Secretary of State for 1999 and 2000 or that filed annual reports with the Secretary of State indicating inactivity in the preceding 24 months: Commission on Interstate Cooperation, the Maine Area Health Education Centers Advisory Commission, the Child Welfare Advisory Committee and the State Advisory Council on Labor. The law also exempts the Board of Emergency Municipal Finance, the Petroleum Advisory Committee and the Facility Siting Board from the annual reporting provisions of the Maine Revised Statutes, Title 5, section 12005-A except for any calendar year in which those bodies meet.

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**PUBLIC 388      An Act to Define the Responsibilities of the Chief      LD 1759**  
**Information Officer and to Make Membership Changes**  
**on Technical Boards**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP-AM	S-232

Public Law 2001, chapter 388 establishes in statute the position of Chief Information Officer and the Office of Chief Information Officer within the Department of Administrative and Financial Services and clarifies the role and responsibilities of the CIO. Several new information technology responsibilities are assigned to the CIO and some duties formerly performed by the Director of the Bureau of Information Services are transferred to the CIO. The CIO is to act as advocate and coordinator in the area of information technology within the Executive Branch of State Government and as liaison to the Judicial and Legislative Branches.

**PUBLIC 468      An Act to Ensure the Beauty and Accessibility of      LD 169**  
**Capital Park**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J DAGGETT	OTP-A	H-76

Public Law 2001, chapter 468 provides that any action taken with respect to Capitol Park in Augusta must be consistent with the plan for Capitol Park developed by the Olmsted Brothers firm in 1920 as updated by the Pressley firm in 1990.

**P & S 1      An Act to Establish the Washington County      LD 92**  
**EMERGENCY Emergency Medical Services Authority**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN MICHAUD MH	OTP-AM	H-6

Private and Special Law 2001, chapter 1 establishes the Washington County Emergency Medical Services Authority. The law authorizes the Authority to purchase and lease emergency medical services equipment and vehicles. The law allows the authority to accept private gifts from individuals. P&S 2001, chapter 1 also requires that the authority be audited annually and clarifies that debts incurred by the authority do not create any debt liability on the part of the State.

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Private and Special Law 2001, chapter 1 was enacted as an emergency measure effective January 25, 2001.

**P & S 3                      An Act to Clarify the Division Line Between the                      LD 2**  
**Towns of Deer Isle and Stonington**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT VOLENIK	OTP-AM	S-2

Private and Special Law 2001, chapter 3 resolves a disagreement among municipal officials over the proper placement of municipal boundary lines between the towns of Deer Isle and Stonington with respect to Eastern Mark Island and Shabby Island. The law distinguishes the boundary line between the Town of Deer Isle and the Town of Stonington by clarifying that the municipal jurisdiction for Eastern Mark Island is with Stonington and Shabby Island is within Deer Isle. The law is retroactive to April 1, 2000.

**P & S 8                      An Act to Clarify the Act of Separation of Frye                      LD 500**  
**EMERGENCY Island from the Town of Standish**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA	OTP              MAJ	
SAVAGE W	ONTP           MIN	

Private and Special Law 2001, chapter 8 clarifies that the Town of Frye Island must remain in School Administrative District 6 following its separation from the Town of Standish unless specifically authorized by the Legislature to withdraw from the district.

Private and Special Law 2001, chapter 8 was enacted as an emergency measure effective April 11, 2001.

## *State and Local Government*

**RESOLVE 4      Resolve, Authorizing the Commissioner of Administrative and Financial Services to Purchase Land in Charleston, Maine      LD 207**

<u>Sponsor(s)</u> DAVIS P KASPRZAK	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-18
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Resolve 2001, chapter 4 authorizes the Commissioner of Administrative and Financial Services to purchase a parcel of land approximately 4 acres in size, with the buildings located on the property, to increase the security buffer around the Northern Maine Juvenile Facility in Charleston. The law limits to \$90,000 the amount that the State may pay for land it will purchase in the Town of Charleston.

**RESOLVE 7      Resolve, Authorizing the Department of Marine Resources to Convey by Transfer and Easement to the Boothbay Harbor Sewer District the State's Interest in Certain Property on McKown Point in West Boothbay Harbor      LD 343**

<u>Sponsor(s)</u> HONEY KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-115 BAGLEY H-32
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Resolve 2001, chapter 7 authorizes the Department of Marine Resources to convey to the Boothbay Harbor Sewer District the department's sewerage facilities located on state property on McKown Point in Boothbay Harbor. The law authorizes the department to negotiate the transfer to the Boothbay Harbor Sewer System ownership of the transport pipe and collector system the department owns, from the point of tie-in at the state property line to the point at which the state trunk line ties into the sewer district's collector. The law also authorizes the department to negotiate an easement for the right-of-way where the line is placed.



## *State and Local Government*

<b>RESOLVE 13    Resolve, Authorizing the Transfer of Land from the State to School Administrative District No. 16</b>	<b>LD 856</b>
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<u>Sponsor(s)</u> COWGER TREAT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-131
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Resolve 2001, chapter 13 provides School Administrative District No. 16 an option period in which to negotiate the transfer of a parcel of state-owned property at the Stevens School in Hallowell as the site of a new elementary school. The proposed transfer also includes the Reed Auditorium at the Stevens School and adjacent buildings. In the event that the State does not transfer the property to the school district, the law authorizes the State to offer the land for sale at the appraised market value. The law is repealed 5 years after its effective date.

<b>RESOLVE 14    Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in 6 Parcels of Land, One with a Building, Held by the Department of Education and Located in the Unorganized Territories</b>	<b>LD 236</b>
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<u>Sponsor(s)</u> PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-59
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Resolve 2001, chapter 14 authorizes the Commissioner of Administrative and Financial Services to sell 6 parcels of land, one with a building, held by the Department of Education in the unorganized territories, but no longer used by the department. Three of the parcels are located in Oxford County, and single parcels are located in each of the following counties: Aroostook, Somerset and Washington. The law also specifies that a public auction is one of the methods for leasing or selling the 6 parcels of land that are the subject of the resolve.

<b>RESOLVE 19    Resolve, for Laying of the County Taxes and Authorizing EMERGENCY Expenditures of Kennebec County for the Year 2001</b>	<b>LD 1772</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Resolve 2001, chapter 19 authorizes the laying of the county taxes and authorizes expenditures of Kennebec County for the year 2001.

## *State and Local Government*

Resolve 2001, chapter 19 was finally passed as an emergency measure effective May 14, 2001.

### **RESOLVE 34    Resolve, to Approve Conceptual Elements of the Augusta State Facilities Master Plan    LD 1667**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM    MAJ	
FULLER	ONTP    MIN	

Resolve 2001, chapter 34 adopts the Augusta State Facilities Master Plan developed by the Capitol Planning Commission as the official master plan for the development of state buildings and grounds in the Capitol Area. Future construction projects in the Capitol Area must be consistent with the master plan. The commission must report to the Legislature every 2 years on recommendations for changes in the master plan.

### **RESOLVE 35    Resolve, to Authorize the Northern Maine Technical College to Transfer .26 Acres of Land to the City of Presque Isle to Ensure Road Safety    LD 1766**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND	OTP	
BRUNO		

Resolve 2001, chapter 35 authorizes the transfer of approximately .26 acres of land by the Northern Maine Technical College to the City of Presque Isle. The transfer allows the city to realign a roadway abutting the NMTC campus to ensure safer flow of traffic on that roadway.

### **RESOLVE 60    Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in the Jacob Abbott House Property Located at the Stevens School Campus in Hallowell    LD 1145**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP-AM	S-60

Resolve 2001, chapter 60 authorizes the Commissioner of Administrative and Financial Services to sell or lease the Jacob Abbott House property in Hallowell with a suitable amount of land. The resolve is repealed 3 years from its effective date.

*State and Local Government*

**RESOLVE 61      Resolve, Authorizing the Commissioner of Administrative and Financial Services to Convey by Sale or Lease to the Warren Sanitary District the State's Interests in Certain Real Property in the Town of Warren in Connection with the Construction of the Maine State Prison at Warren      LD 1795**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE C	OTP-AM	S-233

Resolve 2001, chapter 61 authorizes the Commissioner of Administrative and Financial Services to convey interests in state property that is part of the Bolduc Correctional Facility to the Warren Sanitary District. The resolve is repealed 3 years from its effective date.



## ***Taxation***

**PUBLIC 23      An Act to Authorize the Maine Land Use Regulation      LD 263**  
**Commission to Receive Real Estate Transfer Tax Forms**  
**for Municipalities in its Jurisdiction**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM	S-14

Public Law 2001, chapter 23 permits the Bureau of Revenue Services to provide copies of real estate transfer tax forms to the Maine Land Use Regulation Commission and requires entities, other than municipalities, requesting real estate transfer tax forms to provide resources to cover the cost of providing the forms.

**PUBLIC 32      An Act to Enhance Collectibility of the Penalty for      LD 325**  
**Failure to File the Municipal Valuation Tax Return**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM	S-6

Public Law 2001, chapter 32 provides that the penalty for failing to file a municipal valuation return on time may be deducted from state reimbursement for veterans' exemptions and for the homestead exemption in addition to reimbursement for tax loss under the Maine Tree Growth Tax Law.

**PUBLIC 147      An Act to Increase the Dedicated Wild Blueberry Tax      LD 1274**  
**EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	OTP-AM	H-243

Public Law 2001, chapter 147 increases the total rate of tax on wild blueberries from 1 ¢ to 1 1/2 ¢ per pound. The increase is distributed equally to processors or shippers and growers of wild blueberries with each paying an additional 1/4 ¢ tax per pound. This bill was enacted as an emergency measure and took effect May 14, 2001.

## ***Taxation***

### **PUBLIC 157     An Act to Amend the Employment Tax Increment Financing Program**

**LD 664**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY	OTP-AM	S-102

Public Law 2001, chapter 157 expands the employment tax increment financing program by permitting businesses to qualify for the program if they add 5 or more qualified employees.

### **PUBLIC 177     An Act to Implement the Recommendations of the Joint Standing Committee on Taxation Resulting from Its Review of Income Tax Expenditures Pursuant to the Maine Revised Statutes, Title 36, chapter 9**

**LD 803**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-101

Public Law 2001, chapter 177 contains the recommendations of the Joint Standing Committee on Taxation as a result of its review of income tax expenditures pursuant to the Maine Revised Statutes, Title 36, chapter 9.

The bill accomplishes the following.

1. It deletes the income tax deduction for "seller-sponsored loans" because the provision does not appear to have been used since its enactment in 1983.
2. It repeals the deduction for 1985-87 tax conformity adjustments because they are obsolete.
3. It amends the deduction for the new jobs credit to indicate the change of name of the credit on the federal level.
4. It repeals the 1987 tax conformity credit because it is obsolete.

## ***Taxation***

<b>PUBLIC 238</b>	<b>An Act to Provide Equity in the Payment of Excise Tax on Leased Special Mobile Equipment</b>	<b>LD 944</b>
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<u>Sponsor(s)</u> BUMPS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-305
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Public Law 2001, chapter 238 permits municipalities, by ordinance, to refund a portion of the excise tax paid on leased special mobile equipment if the registration is voluntarily surrendered and cancelled.

<b>PUBLIC 281</b>	<b>An Act to Enforce the Taxation of Building Materials and Modular Homes</b>	<b>LD 1056</b>
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<u>Sponsor(s)</u> BENNETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-171
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Public Law 2001, chapter 281 reinstates a requirement that installers of manufactured housing file monthly reports of installations with the Department of Professional and Financial Regulation, Manufactured Housing Board and requires the board to send copies of those reports and reports relating to the use of warranty seals to the Department of Administrative and Financial Services, Bureau of Revenue Services. The Act also requires that persons seeking manufacturer or dealer licenses from the Manufactured Housing Board demonstrate that they are registered for the collection of sales and use tax or are not required to register.

<b>PUBLIC 305</b>	<b>An Act to Change the Party Responsible for Payment of a Penalty under the Tree Growth Tax Law when a Subdivision Results in a Parcel of Less than 10 Acres</b>	<b>LD 1007</b>
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<u>Sponsor(s)</u> PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-431 GREEN S-141
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Public Law 2001, chapter 305 provides that, when a withdrawal of a parcel of land from classification under the Maine Tree Growth Tax Law is caused by a transfer of a parcel of less than 10 acres, the responsibility for payment of the penalty is with the transferor rather than the owner of the transferred parcel. This provision applies to transfers of land on or after November 1, 2001.

## *Taxation*

<b>PUBLIC 322</b>	<b>An Act Requiring Cigarette Distributors to Determine Compliance of Manufacturers with Tobacco Manufacturers Laws</b>	<b>LD 1794</b>
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<u>Sponsor(s)</u> SAXL MICHAUD MH	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2001, chapter 322 provides an additional tool to enforce compliance with tobacco manufacturers laws, Maine Revised Statutes, Title 22, sections 1580-G to 1580-I by requiring cigarette distributors to confirm that tobacco product manufacturers for whom they distribute cigarettes comply with the Tobacco Manufacturers Act by participating in the Master Settlement Agreement or by placing specified amounts in an escrow fund.

<b>PUBLIC 392</b>	<b>An Act to Amend the Business Equipment Tax Reimbursement Program</b>	<b>LD 1822</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Public Law 2001, chapter 392 requires business equipment tax reimbursement, BETR, for property owned by a lessor to be distributed to a lessee if the lessee has reimbursed the lessor for those taxes. Chapter 392 also eliminates BETR reimbursement with respect to facilities that have permanently ceased operations and have not publicly advertised that the facility is for sale or lease and requires the Bureau of Revenue Services within the Department of Administrative and Financial Services to develop and distribute information describing the availability of the BETR program.

<b>PUBLIC 396</b>	<b>An Act Concerning Technical Changes to the Tax Laws</b>	<b>LD 1613</b>
<b>EMERGENCY</b>		

<u>Sponsor(s)</u> BUCK	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-689
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Public Law 2001, chapter 396 makes technical corrections, clarifications, updates and in some cases minor substantive changes to various provisions of the tax law, the Maine Revised Statutes, Title 36. This bill was enacted as an emergency measure and took effect June 13, 2001.



## ***Taxation***

**PUBLIC 436      An Act to Related to the Suspension of Property Tax      LD 1824**  
**Abatement Appeals When the Taxpayer is Delinquent**  
**in Paying Taxes**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Public Law 2001, chapter 436 amends the provisions relating to appeals of property tax abatement requests for property with a valuation of at least \$500,000 to clarify that the appeal process is suspended if the taxpayer is delinquent in paying taxes due after the year that is the subject of the abatement request being appealed when the taxes are not paid by the due date or according to a payment schedule mutually agreed to in writing by the taxpayer and the municipal officers.

**PUBLIC 441      An Act to Conform the Maine Tax Laws for 2000 with the      LD 1028**  
**EMERGENCY      United States Internal Revenue Code**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GREEN	OTP-AM	H-106

Public Law 2001, chapter 441 updates references contained in the Maine Revised Statutes, Title 36 to the Internal Revenue Code as amended through December 31, 2000 for tax years beginning on or after January 1, 2000. This bill was enacted as an emergency measure and took effect June 22, 2001.

**PUBLIC 446      An Act Providing for Enhancements to the Maine Seed      LD 1298**  
**Capital Tax Credit Program**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TESSIER	OTP-AM	H-217 H-358 GREEN S-383 GOLDTHWAIT

Public Law 2001, chapter 446 amends the Maine Seed Capital Tax Credit Program by increasing the amount of the tax credit from 30% to 40% of an eligible investment, authorizing the use of the credit for investments in certain private venture capital funds and allowing the credit to flow through certain entities to the underlying taxpayer. In addition, the bill increases the total authorized amount of tax credits that may be issued under the program from \$8,000,000 to \$12,000,000 over a 4-year period, requires that the credit be spread out over 7 years rather than 2 years and requires the Finance Authority of Maine

## ***Taxation***

report to the joint standing committee of the Legislature having jurisdiction over taxation matters in each of the next 2 years.

**P & S 18      An Act to Establish Municipal Cost Components for      LD 1628**  
**EMERGENCY   Unorganized Territory Services to be Rendered in**  
**Fiscal Year 2001-2002**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-139

Private and Special 2001, chapter 18 establishes municipal cost components for state and county services provided to the unorganized territory that would be paid for by a municipality. The municipal cost components constitute the property tax for the unorganized territory. This bill was enacted as an emergency measure and took effect May 9, 2001.

**RESOLVE 15   Resolve, Authorizing the State Tax Assessor to      LD 1571**  
**Convey the Interest of the State in Certain Real**  
**Estate in the Unorganized Territory**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUCK	OTP-AM	H-140

Resolves 2001, chapter 15 authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory.

**RESOLVE 17   Resolve, Requiring an Evaluation and Reform of the      LD 607**  
**Tax Expenditure Review Process**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM	S-72

Resolves 2001, chapter 17 requires the Bureau of Revenue Services and the Office of Fiscal and Program Review to gather information relating to the State's tax expenditure review process and other reporting requirements and identify options for updating and improving the process of legislative review of tax expenditures and other required reports. The information gathered must be presented to the Joint Standing Committee on Taxation, which is authorized to report out legislation to the Second Regular Session of the 120th Legislature.

## *Transportation*

<b>PUBLIC 10</b>	<b>An Act to Allow Funeral Escort Vehicles in a Funeral Procession to be Equipped with Flashing Yellow Lights</b>	<b>LD 46</b>
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<u>Sponsor(s)</u> MAYO SAVAGE C	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-10
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Public Law 2001, chapter 10 allows a vehicle in a funeral procession to be equipped with a flashing yellow light.

<b>PUBLIC 14</b>	<b>An Act Providing for the Revocation of a Driver's License upon Conviction for Certain Crimes</b>	<b>LD 176</b>
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<u>Sponsor(s)</u> POVICH DAVIS P	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2001, chapter 14 provides for the revocation of a person's license upon conviction for the crimes of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct, attempts thereat or revocation of a juvenile's license upon adjudication of a juvenile for a similar juvenile offense if the crime involved a motor vehicle.

<b>PUBLIC 18</b>	<b>An Act to List the Manufacturer's Suggested Retail Price on the Certificate of Title</b>	<b>LD 74</b>
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<u>Sponsor(s)</u> BELANGER KNEELAND	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-14
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Public Law 2001, chapter 18 adds the manufacturer's suggested retail price as required information to be included on the application to the Secretary of State for a certificate of title for a new vehicle and the certificate of title. It establishes an effective date of January 1, 2002 for this requirement. If a vehicle is used and purchased before the effective date or used and purchased in another state or country, the manufacturer's suggested retail price must be included on the certificate of title application and the certificate of title if it appears on the original certificate of title document.

## *Transportation*

### **PUBLIC 34      An Act to Remove the Weight Limit Restrictions on      LD 113** **Vanity Registration Plates**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY D	OTP-AM	H-15

Public Law 2001, chapter 34 removes the weight limit restrictions on the issuance of motor vehicle vanity registration plates but specifies that the Secretary of State may not issue vanity plates for commercial truck tractors, long-term trailers and apportioned registrations under the International Registration Plan.

### **PUBLIC 35      An Act Concerning Disability Registration Plates and      LD 718** **Placards**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER RAND	OTP	

Public Law 2001, chapter 35 allows physician assistants and nurse practitioners to make the necessary certifications for issuance of special registration plates or placards to persons with disabilities.

### **PUBLIC 39      An Act to Require the Department of Transportation to      LD 493** **Coordinate with Municipalities Regarding Landscaping** **and Planting**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON WHEELER G	OTP-AM	S-16

Public Law 2001, chapter 39 requires the Department of Transportation to consult with a recognized tree board or tree warden of a municipality concerning planting done along state and state aid highways within that municipality.

## *Transportation*

### **PUBLIC 41      An Act to Allow the Maine Turnpike Authority to Construct Communications Facilities**

**LD 333**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE C FISHER	OTP-AM	S-11

Public Law 2001, chapter 41 authorizes the Maine Turnpike Authority to construct and install, on the property constituting the turnpike, communications facilities and equipment for the authority's use, the use of others or both. The authority is authorized to lease its property for the construction and installation of communications facilities and equipment. Any communications tower constructed, acquired, installed, maintained or reconstructed by the Maine Turnpike Authority within turnpike property will be solely for the use of the authority.

### **PUBLIC 54      An Act to Facilitate Passenger Rail Transportation by Limiting Liability**

**LD 767**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE C O'GARA	OTP-AM	S-23

Public Law 2001, chapter 54 limits the liability arising from the providing of passenger rail service to \$75,000,000 in the aggregate. The liability limitation of this law does not apply to a passenger rail transportation service provider that fails to secure and maintain liability insurance having policy limits of not less than \$75,000,000 per occurrence in the aggregate. This law does not affect limitation on damages, limitation of actions, limitation of liability or other protections provided to the State, as defined by the Maine Revised Statutes, Title 14, section 8102, subsection 4, under the Maine Tort Claims Act.

### **PUBLIC 73      An Act to Reduce Noise Pollution**

**LD 497**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMONT WHEELER G	OTP-AM    MAJ ONTP       MIN	S-33

Public Law 2001, chapter 73 prohibits the operation of a sound system in a vehicle on a public way at a volume that is audible at a distance of greater than 25 feet and that exceeds 85 decibels or that is greater than is reasonable or proper with due regard to the location of the vehicle and the effect on persons in proximity to the vehicle. It provides that it is a prima facie violation of this prohibition if the vehicle is located near buildings and the buildings or

## *Transportation*

windows in the buildings are shaken or rattled by the sound of the sound system. A violation of this law is a traffic infraction. A fine of \$50 is assessed for the first offense, \$100 for the second offense and \$150 for the third or subsequent offense.

**PUBLIC 74      An Act to Authorize the Department of Transportation      LD 463**  
**to Locate and Construct Railroad Lines**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE C FISHER	OTP-AM	S-46

Public Law 2001, chapter 74 authorizes the Department of Transportation to locate and construct railroad lines.

**PUBLIC 77      An Act to Increase the Penalty for Misuse of Placards or      LD 443**  
**Registration Plates for Handicapped Motor Vehicle**  
**Operators**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLOUGH SAVAGE C	OTP-AM	H-84

Public Law 2001, chapter 77 raises the penalty for the unauthorized use of disability registration plates or a windshield placard from \$100 to not less than \$100 nor more than \$500.

**PUBLIC 80      An Act to Establish the Identification Card of a Maine      LD 517**  
**Indian Tribe as an Acceptable Form of Identification**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH SHOREY	OTP-AM	H-85

Public Law 2001, chapter 80 requires an official identification card issued by a federally recognized Indian tribe in the State to be considered an official state nondriver identification card. The identification card must state, at a minimum, the name, date of birth and address of the cardholder.

## *Transportation*

**PUBLIC 83      An Act to Make Additional Allocations from the Highway      LD 777**  
**EMERGENCY      Fund and Other Funds for the Expenditures of State**  
**Government and Change Certain Provisions of State**  
**Law Necessary to the Proper Operations of State**  
**Government for the Fiscal Year Ending June 30, 2001**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE C	OTP-AM	S-48
FISHER		

Public Law 2001, chapter 83 does the following:

### PART A

1. Makes allocations from the Highway Fund;
2. Makes allocations from the Highway Garage Fund;
3. Makes allocations from the Island Ferry Service Fund;
4. Makes supplemental allocations from the Highway Fund;
5. Makes supplemental allocations from the Highway Garage Fund;
6. Makes supplemental allocations from the Island Ferry Service Fund;
7. Makes supplemental allocations from the Federal Expenditures Fund;
8. Makes supplemental allocations from Other Special Revenue funds; and
9. Makes supplemental allocations from the Marine Ports Fund.

### PART B

Part B does the following:

1. Authorizes funds in the Buildings Renovations program in the Department of Transportation to be carried forward each year;
2. Authorizes year-end balances in the Administration and Planning program in the Department of Transportation to be transferred to the Buildings Renovation program and allotted by financial order;

## *Transportation*

3. Authorizes year-end balances in the Administration and Planning program in the Department of Transportation to be transferred to the Building Renovations Account and allotted by financial order; and
4. Authorizes the transfer of up to 100% of the unallocated balance in the Highway Fund in excess of \$17,715,924 but not exceeding \$3,000,000 at the end of fiscal year 2000-01 after the deduction of all allocations, financial commitments, other designated funds or any other transfers authorized by statute to the Highway Fund, Highway and Bridge Improvement program account within the Department of Transportation.

### PART C

Part C authorizes the establishment of the Transportation Facilities Fund within the Department of Transportation. This internal service fund is established for the purpose of purchasing, operating, maintaining, improving, repairing, constructing and managing buildings and associated property owned by the department.

### PART D

Part D establishes the Building Renovations Account for the building renovation project at the Department of Transportation main facility in Augusta.

### PART E

Part E establishes a Capital Construction and Improvement Reserve Fund to be used in conjunction with the Building Renovations Account.

Public Law 2001, chapter 83 was enacted as an emergency measure effective May 3, 2001.

## **PUBLIC 116      An Act to Exempt Organized Veterans Groups from Motor Vehicle Registration of Ceremonial Vehicles**

**LD 712**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR KILKELLY	OTP-AM	H-178

Public Law 2001, chapter 116 provides that vehicles owned by organized veterans groups and used exclusively for ceremonial activities are exempt from registration requirements and fees. The inspection requirements in the Maine Revised Statutes, Title 29-A, chapter 15, subchapter I still apply to these vehicles.



## *Transportation*

### **PUBLIC 132      An Act to Allow a Person with a Disability to Ride in      LD 685** **Vehicles Being Towed**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR DAVIS P	OTP	

Public Law 2001, chapter 132 creates an exception to the prohibition of riding in a vehicle that is being towed. It allows a person with a disability, as defined in Maine Revised Statutes Title 29-A section 521, to ride in a vehicle that is being towed when it is not practical to transport the person with a disability by any other means.

### **PUBLIC 140      An Act to Authorize the Department of Transportation      LD 776** **to Use the Design-Build Method of Project Delivery**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE C FISHER	OTP-AM	S-54

Public Law 2001, chapter 140 authorizes the Department of Transportation to use the design-build method of project delivery for public infrastructure projects. Unlike the traditional design-bid-build method of project delivery, design-builders design and build projects under a single contract. In addition to low-bid awards, the law authorizes the Department of Transportation to award projects on a best-value basis after considering the quality of the design.

### **PUBLIC 144      An Act to Amend the Covered Load Laws      LD 1004**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON COLWELL	OTP-AM	S-83

Public Law 2001, chapter 144 requires a state police officer to check the load on a vehicle to ensure that it is secure at the same time that the officer checks the weight of that motor vehicle. The fine for an unsecured load is not less than \$150 nor more than \$500.

## *Transportation*

**PUBLIC 145     An Act to Clarify when Reduced Speed Limits are in     LD 843**  
**EMERGENCY   Effect in School Zones**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD ME	OTP-AM	H-179

Public Law 2001, chapter 145 requires a maximum rate of 15 miles per hour in a school zone during recess, when children are going to or leaving school during school opening or closing hours, when school speed limit signs are flashing during school opening or closing hours or at other times designated by a municipal traffic ordinance that regulates town ways classified as local by the Department of Transportation in accordance with the federal functional classification system.

Public Law 2001, chapter 145 was enacted as an emergency measure effective May 14, 2001.

**PUBLIC 148     An Act to Modernize the Laws Regarding Bicycle Safety     LD 312**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN SAWYER	OTP-AM	H-177

Public Law 2001, chapter 148 changes the general definition of "bicycle" in the Maine Revised Statutes, Title 29-A to be consistent with the definition of the Bicycle Safety Education Act. It clarifies that bicycle operators are permitted to travel on paved shoulders and that bicycle operators may replace their hands on the handlebars after signaling a turn. The law updates the statutes regarding night equipment to reflect current equipment and practices. It also clarifies that vehicles must yield to bicyclists when making right turns.

**PUBLIC 149     An Act to Establish a Light Trailer Transporter Plate and License LD 220**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM	H-136 FISHER S-17

Public Law 2001, chapter 149 establishes a light trailer transit plate and license to allow a business to transport an unregistered light trailer. A light trailer may be transported with a light trailer transit plate only if the business owner or an employee of the business accompanies the vehicle transporting the light trailer.

## *Transportation*

**PUBLIC 151      An Act to Allow Individuals with Disability Registration      LD 378**  
**Plates or Placards to Park Where There is a Parking**  
**Meter Without a Charge**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS LEMONT	OTP-AM	H-83

Public Law 2001, chapter 151 allows any vehicle exhibiting a valid disability registration plate or placard to park at a parking meter free of charge for up to twice the time limit allowed.

**PUBLIC 154      An Act to Allow the Maine Turnpike Authority to Levy      LD 1361**  
**an Administrative Fee against Toll Evaders**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE C MCNEIL	OTP-AM	S-82

Public Law 2001, chapter 154 gives the Maine Turnpike Authority the authority to levy and collect from the registered owner of a vehicle that fails to pay a toll an administrative fee of \$20 per toll not paid. This law places the burden for proving that the toll and administrative fee have been paid upon the registered owner. Certain types of vehicles are exempt from the administrative fee.

**PUBLIC 155      An Act to Eliminate the Fees Imposed on Purple Heart      LD 950**  
**Recipients for Special Registration Plates**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUMPS	OTP-AM	H-180

Public Law 2001, chapter 155 eliminates the \$10 one-time fee charged to a Purple Heart medal recipient that is issued a set of Purple Heart registration plates. It also eliminates the one-time additional fee of \$5 for special motorcycle registration plates for Purple Heart medal recipients.

## *Transportation*

### **PUBLIC 158     An Act to Clarify the Maine Turnpike Authority's Power Regarding Confidentiality of Information**

**LD 317**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE C FISHER	OTP-AM	S-10

Public Law 2001, chapter 158 clarifies that the Maine Turnpike Authority has the same power the Department of Transportation has to keep certain information relating to negotiations for the purchase of property confidential for a limited time.

### **PUBLIC 159     An Act Concerning Commercial Driver License Certification**

**LD 708**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER RAND	OTP-AM	H-134

Public Law 2001, chapter 159 provides that physical examinations that may be required by the Secretary of State for the issuance or renewal of a license may be performed by competent treatment personnel as determined by the Medical Advisory Board.

### **PUBLIC 180     An Act to Allow Vehicles to Travel for Inspection and Repair**

**LD 566**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH YOUNGBLOOD	OTP-AM	H-291

Public Law 2001, chapter 180 allows a holder of a dealer license or a transporter registration certificate to operate a vehicle on a public way if the vehicle owner or the owner's employee operates the vehicle for the sole purpose of traveling to an inspection facility.

## *Transportation*

**PUBLIC 197      An Act to Implement the Recommendations of the      LD 1614**  
**Secretary of State and the Maine State Police Regarding**  
**Low-speed Vehicles**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-220

Public Law 2001, chapter 197 implements the recommendations of the Secretary of State and the Maine State Police regarding low-speed vehicles pursuant to Public Law 1999, chapter 660, section 4 and makes certain changes to the motor vehicle laws regarding golf carts and motorized scooters.

**PUBLIC 225      An Act Regarding Modified Show Vehicles      LD 972**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	H-304

Public Law 2001, chapter 225 defines "modified show vehicle" in the laws governing motor vehicles, establishes the fee for registering a modified show vehicle and specifies that the Chief of the State Police shall adopt rules that establish inspection standards for modified show vehicles.

**PUBLIC 234      An Act to Allow Motor Vehicle Safety Inspection Stations      LD 645**  
**to Set Their Own Vehicle Inspection Fees**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKENNEY	OTP-AM      MAJ	H-239
LEMONT	ONTP      MIN	

Public Law 2001, chapter 234 repeals the statutorily set motor vehicle inspection fees and allows vehicle inspection stations to establish their own inspection fees, subject to a maximum fee level of \$12.50 for a standard inspection, \$15.50 for an enhanced inspection on pre-1996 model vehicles pursuant to the Maine Revised Statutes, Title 29-A, section 1751, subsection 2-A and \$18.50 for an enhanced inspection performed on 1996 and later model vehicles pursuant to Title 29-A, section 1751, subsection 2-A. The law also increases the fee paid to the Chief of the State Police for vehicle inspection stickers from \$1.50 to \$2.50.

## *Transportation*

**PUBLIC 244     An Act to Remove State Road Signs with Offensive  
EMERGENCY   Names from Interstate Route 95 and the Maine  
                    Turnpike**

**LD 618**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH CATHCART	OTP-AM	H-122 H-306 FISHER

Public Law 2001, chapter 244 provides that a sign placed by the State on an interstate highway or the Maine Turnpike may not contain an offensive name, as defined in the Maine Revised Statutes, Title 1, section 1101. The law directs the Commissioner of Transportation to replace any sign on an interstate highway and the Executive Director of the Maine Turnpike Authority to replace any sign on the Maine Turnpike that violates this provision with a sign that contains proper place names no later than 30 days after the effective date of the bill.

Public Law 2001, chapter 244 was enacted as an emergency measure effective May 22, 2001.

**PUBLIC 267     An Act to Protect Highway Travelers and Maine's  
                    Highway System by Increasing Fines on Excessively  
                    Loaded Trucks**

**LD 1411**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA FISHER	OTP-AM	S-184

Public Law 2001, chapter 267 increases fines for the operation of a vehicle in excess of established weight limits. The law makes the vehicle registrant responsible for operation of a vehicle in excess of registered weight and repeals the reduced penalty provision for such a violation. It repeals the current vehicle-specific aggravated overweight and repeat offender provisions. It limits the maximum length of vehicles carrying tree-length logs to 74 feet without a special permit. The law reduces certain fines for axle weight violations applicable to vehicles hauling special commodities. Finally, it requires the Department of Transportation to report to the Legislature on recommended legislation to hold freight shippers and brokers responsible for overweight trucks.

## *Transportation*

### **PUBLIC 268     An Act to Amend the Laws Affecting Changeable Message Signs**

**LD 1564**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISHER SAVAGE C	OTP-AM	H-408

Public Law 2001, chapter 268 imposes changes to the use of electronic, digital or mechanical changeable signs. The law increases the frequency that messages change from every 4 hours to every 20 minutes and prohibits flashing, rolling, scrolling or blending. It requires that changes in sign text must be limited to alphabetic or numeric text and prohibits pictures.

### **PUBLIC 301     An Act to Allow Access to Highways for Certain Purposes**

**LD 699**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISHER MARLEY	OTP	

Public Law 2001, chapter 301 authorizes the Commissioner of Transportation to allow access for the development of state and state aid highways.

### **PUBLIC 311     An Act to Increase the Maine Turnpike Authority Bond Limit**

**LD 1353**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE C MCNEIL	OTP	

Public Law 2001, chapter 311 increases the Maine Turnpike Authority bond limit to provide for the financing of ongoing capital improvements to the turnpike.

## *Transportation*

<b>PUBLIC 313</b>	<b>An Act to Allow Municipalities to Lower Certain Speed Limits</b>	<b>LD 643</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY O'GARA	OTP-AM	H-357 H-400 FISHER

Public Law 2001, chapter 313 authorizes qualifying municipalities to increase or decrease speed limits on qualifying roads. The law clarifies at what point and under what circumstances a municipality is responsible for setting speed limits.

<b>PUBLIC 314</b>	<b>An Act to Make the Laws Affecting Certain Bridges</b>	<b>LD 1626</b>
<b>EMERGENCY</b>	<b>Consistent with Federal Law</b>	

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISHER FERGUSON	OTP-AM	H-470

Public Law 2001, chapter 314 repeals the current laws governing responsibility for local bridges. It also does the following:

1. It places capital and maintenance responsibility for minor spans that are on state aid highways on the Department of Transportation;
2. It places capital and maintenance responsibility for all minor spans that are on town ways on municipalities;
3. It places capital responsibility for most bridges on state aid highways and town ways on the Department of Transportation, excepting low use and redundant bridges;
4. It requires that capital responsibility for low use or redundant bridges on town ways be shared by the Department of Transportation and the municipality on a 50%-50% basis, with a 1% valuation cap for low valuation municipalities; and
5. It eliminates county funding for local bridges, except when acting for unorganized townships.

Public Law 2001, chapter 314 is a State mandate and was enacted as an emergency measure on May 30, 2001.



## *Transportation*

### **PUBLIC 360     An Act to Amend Certain Motor Vehicle Laws**

**LD 1664**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISHER	OTP-AM	H-355
SAVAGE C		H-574 FISHER

Public Law 2001, chapter 360 affects the motor vehicle statutes as follows.

1. It defines scooter and imposes the same restrictions on this mode of transportation as on bicycles. It also imposes additional restrictions on motorized scooters;
2. It allows a permit to be issued by a law enforcement agency to tow an unregistered vehicle using a tow dolly. Currently, a permit may be issued to tow by use of a service wrecker or tow bar;
3. It allows Department of Public Safety vehicles operated by motor carrier inspectors to be equipped with amber auxiliary lights;
4. It allows vehicles designed to respond to a weapon of mass destruction to use a siren and to display and use a red light or combination red and white light. It clarifies that these vehicles are authorized emergency response vehicles;
5. It requires an operator passing a stationary authorized emergency vehicle that is using an emergency light to pass that emergency vehicle in a nonadjacent lane, if possible, or at a careful and prudent speed;
7. It prohibits an operator from following within 150 feet of an authorized emergency vehicle, other than fire apparatus, that is using an emergency light;
8. It prohibits a vehicle from standing beside the left-hand side of a way at night in a manner so that its headlights project in the direction of oncoming traffic;
9. It creates an exemption to the prohibition against riding in the back of a pickup truck for campers and hikers being transported in Baxter State Park;
10. It requires the operator or the owner of a vehicle involved in a reportable accident to produce the vehicle and return the vehicle to the scene of an accident, if possible, at the request of the officer who is investigating the accident;
11. It resolves an inconsistency regarding confining a load of wood chips when the wood chips are transported;
12. It clarifies that a state police officer who is trained pursuant to the motor carrier safety rules of the motor carrier safety regulations of the United States Department of

## *Transportation*

Transportation may demand and inspect the driver's record of duty status and medical examiner's certificate, if applicable;

13. It changes an incorrect reference from fire inspector to fire investigator; and
14. It clarifies that vehicles driven by capital security officers are authorized emergency vehicles, but these vehicles are prohibited from exceeding maximum speed limits.

### **PUBLIC 361     An Act to Amend the Motor Vehicle Laws EMERGENCY**

**LD 652**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER G O'GARA	OTP-AM	H-555

Public Law 2001, chapter 361 makes certain changes to the motor vehicle laws, including the following.

1. It amends the definition of "classic vehicle" to include vehicles that are between 16 years and 26 years old;
2. It expands the enforcement authority of motor vehicle investigators;
3. It specifies that operating a vehicle with an expired 14-day temporary registration plate is a traffic infraction;
4. It requires that certain applicants for vehicle registration provide either a federal taxpayer identification number or an identification number issued by the Department of Transportation. This provision is effective October 1, 2001;
5. It removes the fee for disability placards;
6. It authorizes the Secretary of State to suspend fuel decals issued to a person who fails to file any fuel tax report or pay taxes;
7. It changes the dates by which the Secretary of State must make disbursements and transfers relating to the Municipal Excise Tax Reimbursement Fund. This provision is effective October 1, 2001;
8. It amends the definition of "component part" to include airbags, except for purposes of defining "rebuild" and "salvage vehicle." This provision is effective October 1, 2001;
9. It allows certain semitrailers to be titled in this State even if they are registered in another jurisdiction;

## *Transportation*

10. It eliminates language that establishes as a Class E crime the failure to timely deliver a certificate to the Secretary of State;
11. It requires insurance providers to notify the Secretary of State when insurance for certain types of commercial vehicles is cancelled;
12. It creates a cross-reference regarding sanctions for operators of all-terrain vehicles on ways;
13. It clarifies the admissibility of electronic notification of suspension by a court to the Secretary of State;
14. It clarifies that a person who is suspended for failure to comply with motor carrier fuel tax requirements may not operate trucks as a motor carrier. The suspension does not affect an individual's driver's license;
15. It staggers the terms of members of the Motor Carrier Review Board in order to provide continuity to the board's operation. Currently, the terms of all members expire simultaneously. The law also clarifies the board's powers with respect to the recommendations the board may make to the Secretary of State;
16. It clarifies that the Secretary of State may waive the examination for a Maine license for a person recently issued a license from any other jurisdiction;
17. It clarifies that a person whose license is suspended by this State commits the offense of operating after suspension if the person operates a motor vehicle in this State under a license issued by another jurisdiction;
18. It allows the Secretary of State to enter into a lease-purchase agreement for the new motor vehicle database and computer system;
19. It provides authorization to extend limited-period motor vehicle service representative positions for one month utilizing funds allocated for the current fiscal year;
20. It amends the law to provide staggered registration dates for boat and snowmobile trailers as well as other light trailers. This provision is effective January 1, 2002; and
21. It amends the definition of "authorized emergency vehicle" to include a vehicle operated by a municipal rescue chief or deputy chief.

Unless otherwise noted above, most provisions of Public Law 2001, chapter 361 were enacted as an emergency measure on May 29, 2001.

## *Transportation*

**PUBLIC 440      An Act to Make Supplemental Highway Allocations      LD 1285**  
**EMERGENCY    for the Expenditures of State Government and to**  
**Change Certain Provisions of the Law Necessary to the**  
**Proper Operations of State Government for the Fiscal**  
**Years Ending June 30, 2001, June 30, 2002 and June 30, 2003**

<u>Sponsor(s)</u>	<u>Committee Report</u>		<u>Amendments Adopted</u>
SAVAGE C	OTP-AM	MAJ	S-344
FISHER	OTP-AM	MIN	

Public Law 2001, chapter 440 does the following:

Part A makes supplemental allocations from the Highway Fund.

Part B does the following:

1. It makes supplemental allocations from the Highway Fund for approved reclassifications and range changes;
2. It makes supplemental allocations from the Federal Expenditures Fund for approved reclassifications and range changes; and
3. It makes supplemental allocations from the Island Ferry Services Fund for approved reclassifications and range changes.

Part C amends the law to increase motor vehicle and trailer title fees by \$8.

Part D makes supplemental allocations from the Highway Fund, Highway Garage Fund and Federal Expenditures Fund to accomplish a reorganization of certain programs within the Department of Transportation.

Part E authorizes financing for the renovation of the Department of Transportation headquarters building.

Part F makes supplemental allocations from the Highway Fund to provide mobile data terminals for State Police patrol cars, to restore and add funding for highway and bridge improvement projects and to adjust funding for the Urban-Rural Initiative Program.

Part G lapses funds from the Highway Fund Salary Plan to the Highway Fund.

Part H makes supplemental allocations from the Highway Fund to reimburse certain municipalities for sand and salt building projects and to provide funding for certain sand and salt building projects for the Department of Transportation.

## *Transportation*

Part I authorizes the Maine Turnpike Authority to enter into contracts with other states and entities authorized by other states.

Part J allows another person who has been issued a school bus instruction permit to be a passenger on a bus when it is being operated by a school bus permittee.

Part K requires the Secretary of State to convene a task force to study the municipal excise tax and other motor vehicle registration fees.

Part L alters the requirements for reflective materials used by bicycles, motorized bicycles or tricycles during nighttime use.

Public Law 2001, chapter 440 was enacted as an emergency measure effective June 21, 2001.

### **PUBLIC 444     An Act to Eliminate the Fee for Veterans Registration Plates**

**LD 31**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P STANLEY	OTP-AM	S-81

Public Law 2001, chapter 444 eliminates the one-time additional fee of \$5 for special veterans registration plates.

### **PUBLIC 453     An Act to Implement the Recommendations of the Veterans Commemorative Decal Task Force**

**LD 1683**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-221

Public Law 2001, chapter 453 allows 3 sets of special veterans registration plates to be issued to a qualified veteran. The bill establishes a maximum registered gross vehicle weight of 9,000 pounds for a vehicle to qualify for special veterans plates. The law repeals the Korean War special commemorative decal and allows the issuance of 22 veteran decals to be used in connection with the special veterans registration plate.

Public Law 2001, chapter 453 was enacted with an effective date of November 5, 2001 to commemorate Veterans Day.

## *Transportation*

### **PUBLIC 455      An Act to Designate the Ryefield Bridge an Historic Bridge**

**LD 302**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT HEIDRICH	OTP-AM	S-9

Public Law 2001, chapter 455 adds the Ryefield Bridge in Harrison and Otisfield to the list of historic bridges for which the State assumes the cost and responsibility for management, maintenance and rehabilitation.

### **PUBLIC 463      An Act Regarding Uninsured Drivers**

**LD 1380**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART BROOKS	OTP-AM	S-144 S-334 S-397

Public Law 2001, chapter 463 requires that an insurer of a motor vehicle registered in Maine notify the Secretary of State by electronic means when the insurance on that motor vehicle is cancelled, terminated or lapses effective July 1, 2003. The law requires the Secretary of State to suspend the motor vehicle owner's registration certificate and plates until the owner provides evidence of insurance to the Secretary of State. The fee to reinstate the driver's license is \$35, effective January 1, 2003.

Public Law 2001, chapter 463 was enacted as an emergency measure effective January 1, 2003.

### **P & S 10      An Act to Provide George J. Mitchell and William S. Cohen Lifetime License Plates**

**LD 1026**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
QUINT MCALEVEY	OTP	

Private and Special Law 2001, chapter 10 authorizes the Secretary of State to issue lifetime license plates to William S. Cohen and George J. Mitchell.

## *Transportation*

**P & S 23                      An Act Making Unified Appropriations and Allocations                      LD 1414**  
**EMERGENCY                      for the Expenditures of State Government, Highway**  
**Fund and Changing Certain Provisions of the Law**  
**Necessary to the Proper Operations of State Government**  
**for the Fiscal Years Ending June 30, 2002 and June 30, 2003**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE C FISHER	OTP-AM	S-51

Private and Special Law 2001, chapter 23 does the following.

Part A makes allocations from the Highway Fund.

Part B makes allocations from the Highway Fund representing reduction proposals or adjustments.

Private and Special Law 2001, chapter 23 was enacted as an emergency measure effective May 25, 2001.

**P & S 29                      An Act Regarding the Budget for the Maine Turnpike                      LD 1271**  
**Authority for 2002**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-598

Private and Special Law 2001, chapter 29 makes allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2002 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

## *Transportation*

**RESOLVE 18    Resolve, to Authorize the Development of a New Railroad    LD 1416**  
**Bridge on the Union Branch Railroad Line over Back Cove**  
**in Portland**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISHER	OTP	

Resolve 2001, chapter 18 authorizes the Department of Transportation or the Northern New England Passenger Rail Authority to develop and build a railroad bridge across the tidewaters of Back Cove in Portland.

**RESOLVE 27    Resolve, to Name Route 302 the 10th Mountain    LD 99**  
**Division Highway**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G	OTP-AM	H-219
ABROMSON		

Resolve 2001, chapter 27 requires the Department of Transportation to designate the part of Route 302 that starts in the City of Portland and continues through the Town of Fryeburg the "10th Mountain Division Highway." This designation may not change or otherwise affect any other names that municipalities may have adopted for this part of Route 302.

**RESOLVE 43    Resolve, Regarding Legislative Review of Portions of    LD 1777**  
**EMERGENCY Chapter 1: Vehicle Inspection Manual, a Major**  
**Substantive Rule of the Department of Public Safety**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Resolve 2001, chapter 43 authorizes final adoption of Portions of Chapter 1: Motor Vehicle Inspection Manual, a major substantive rule of the Department of Public Safety.

Resolve 2001, chapter 43 was enacted as an emergency measure effective May 31, 2001.



## *Transportation*

**RESOLVE 46    Resolve, Regarding Legislative Review of Chapter 299:                    LD 1774**  
**Highway Driveway and Entrance Rules, Parts A and B, a**  
**Major Substantive Rule of the Department of**  
**Transportation**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-627

Resolve 2001, chapter 46 authorizes final adoption of Chapter 299: Highway Driveway and Entrance Rules, Parts A and B, a major substantive rule of the Department of Transportation. The resolve directs the Department of Transportation to make the following revisions to the Highway Driveway and Entrance Rules, Parts A and B.

1. Limit the application of the noncompact arterial provisions to arterials classified as retrograde arterials or arterial corridors between urban compact areas or service centers that average 5,000 vehicles per day with a posted speed limit of 40 miles per hour or more;
2. Clarify that entrance mitigation provisions apply only when the department determines that the proposed entrance will significantly impact public safety or cause a reduction in the posted speed limit;
3. Revise forestry and farm permit-by-rule provisions to clarify that only the minimum safe-sight standards apply to forestry and farm access. Clarify that the status of a proposed driveway or entrance access as being for forestry and farm activities will be determined by the primary use of the proposed driveway or entrance;
4. Clarify that the limit on the number of entrances per lot on arterials is one 2-way or 2 one-way entrances unless the department determines that more entrances would be safer. Provide an exception to this provision for forestry and farming activities;
5. Reduce and simplify the corner clearance provisions applicable to arterials to a minimum of 125 feet, which can be waived for driveways. Clarify that the department may require greater corner clearance if the department determines it is necessary to prevent a significant impact on public safety or a reduction in the posted speed limit; and
6. Simplify the shared-access provisions to clarify the conditions for landowner compliance.

## *Transportation*

**RESOLVE 57      Resolve, to Change Route Designations of Certain Interstates and to Change the Interstate Exit Numbering System      LD 1282**

<u>Sponsor(s)</u> SAVAGE C	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-183
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Resolve 2001, chapter 57 requires that the Department of Transportation work with the Maine Turnpike Authority, the Federal Highway Administration and the American Association of State Highway and Transportation Officials to redesignate all of the Maine Turnpike as I-95 and to redesignate current I-95 from Falmouth to West Gardiner as I-495. In addition, the resolve requires that Maine's interstate exits be renumbered to reflect mileage.

**RESOLVE 64      Resolve, to Name the Bridge Between Gardiner an Randolph the Pearl Harbor Remembrance Bridge      LD 1831**

<u>Sponsor(s)</u> FISHER TREAT	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Resolve 2001, chapter 64 names the bridge between Gardiner and Randolph the Pearl Harbor Remembrance Bridge.

**PASSED      JOINT RESOLUTION - Memorializing Congress and the United States Department of Transportation to Study the Sufficiency of West-East Transportation Links      SP 589**

<u>Sponsor(s)</u> BENNETT SAXL	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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SP 589 memorializes Congress and the United States Department of Transportation to study the sufficiency of west-east transportation links in the northeastern portion of North America. This study would evaluate the economic potential of the northeast region with and without significant changes in its transportation infrastructure. It would further urge the Department of Transportation to conduct this study in cooperation with Canada.

## *Utilities and Energy*

**PUBLIC 27      An Act to Authorize Representation by the Public      LD 316**  
**EMERGENCY Advocate of Consumer Interests on Regional Decision-**  
**making Bodies**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER	OTP-AM	S-8

Public Law 2001, chapter 27 allows the Public Advocate, when necessary, to serve as a voting member of a regional body that is directly concerned with matters affecting the price and quality of retail utility service in Maine, such as the New England Power Pool. The law provides that if the Public Advocate serves as a voting member of a regional body such as the New England Power Pool, this does not create or constitute a conflict of interest.

This law was enacted as an emergency measure effective April 6, 2001.

**PUBLIC 28      An Act to Permit an Unspent Balance in the Public      LD 240**  
**Advocate Regulatory Fund to be Carried Forward in**  
**Full for Fiscal Years 2000-01 and 2001-02**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W FERGUSON	OTP-AM	H-31

Public Law 2001, chapter 28 enables the Public Advocate to make use of an unspent balance carried forward from fiscal years 2000-01 and 2001-02 in full, rather than merely the 10% portion of that balance that is authorized under current law.

**PUBLIC 29      An Act to Require Notice to Telephone Customers      LD 314**  
**in Maine Prior to Price Increases**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER	OTP-AM	S-7

Public Law 2001, chapter 29 requires a telephone utility offering intrastate toll service to provide prior written notice of any increase in the price for such service or change in terms or conditions for such service that would result in an increase in costs for any customer. The law also requires the utility to file a tariff revision with the Public Utility Commission identifying the new price or the change in the terms or conditions of service. The law specifies that failure to provide such notice results in the increase in price or change in terms or conditions being invalid. Customers who are not provided the notice may withhold

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payment for the increased prices, and a telephone utility that fails to provide the required notice must refund the excess payments. The law also requires telephone utilities to provide notice to customers of the requirements of the law and of customer rights under it. The Public Utilities Commission is directed to adopt implementing rules.

**PUBLIC 40      An Act to Remove Redundant Written Authorization      LD 570**  
**Requirements**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL MICHAUD MH	OTP-AM	H-42

Public Law 2001, chapter 40 removes the requirement for multiple written authorizations in order to install new utility services. Written authorization is only required for the first utility installing service. Any subsequent utility installing services is not required to obtain written authorization in order to install new services.

**PUBLIC 53      An Act to Require Telephone Utility Participation in      LD 390**  
**Enhanced 9-1-1**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY D	OTP-AM	H-78

Public Law 2001, chapter 53 requires every telephone utility providing local exchange service in Maine to implement Enhanced 9-1-1 and to provide the necessary subscriber information to the E-9-1-1 system in the format and frequency established by Department of Public Safety, Emergency Services Communication Bureau rules. It requires local exchange carriers and cellular and wireless providers to designate a primary contact person to work with the Emergency Services Communication Bureau but that that person may delegate the authority to others. It establishes a penalty provision, administered by the Public Utilities Commission, for violations of the law. It also requires the Emergency Services Communication Bureau to submit for review by the Joint Standing Committee on Utilities and Energy any rules it proposes to adopt pursuant to the Maine Revised Statutes, Title 25, section 2933.

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### **PUBLIC 71      An Act to Clarify Marketing Standards for Telephone      LD 157** **Utilities and Competitive Electricity Providers**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	OTP-AM	H-93

Public Law 2001, chapter 71 removes a conflict of laws. Under this law, current provisions of law and implementing rules regulating the sale of electricity and the telephone practices known as "slamming" and "cramming" are exempted from the provision of the consumer solicitation sales law that requires a consumer's written authorization to consummate certain sales made in person or over the phone. Under current provisions of law and implementing rules regulating the sale of electricity and the telephone practices known as "slamming" and "cramming," oral authorization obtained by an independent 3rd party and, in the case of the law regulating slamming, toll-free electronic authorization are also permitted. This amendment preserves these provisions. Other provisions of the consumer solicitation sales law continue to apply in all these contexts.

### **PUBLIC 76      An Act to Amend the Small Power Production and      LD 495** **Cogeneration Laws**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM	S-38

Public Law 2001, chapter 76 requires the Public Utilities Commission to promote renewable power and cogeneration in positions the commission takes at regional and federal forums and as the commission implements the State's electric industry restructuring laws, provided that the promotion of renewable power and cogenerators is not at the expense of the interests of competition, consumers of electricity or economic development in this State.

### **PUBLIC 106      An Act to Lower In-state Phone Costs for Rural Maine      LD 33**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM	S-76

Public Law 2001, chapter 106:

1. Allows 50 or more customers within a single-exchange basic service calling area to petition the Public Utilities Commission to expand that basic service calling area;

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2. Requires the commission, upon receipt of the petition, to either expand the calling area or to explain why it is not expanding the calling area;
3. Permits the commission to allow affected carriers to recover any costs associated with the expansion of the calling area; and
4. Requires the commission no later than 30 days after the effective date of this Act to adopt rules establishing standards for expanding single-exchange calling areas.

**PUBLIC 110    An Act to Clarify Access to Private Lines in a Public Way    LD 288**  
**EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRACY	OTP-AM	H-142

Public Law 2001, chapter 110 accomplishes the following.

1. It amends the law relating to the construction of private lines in the public way and expands its application to state-regulated roads.
2. It refines the bonding requirement for persons building private lines in a public way.
3. It makes the requirement that the Public Utilities Commission issue a finding that a private line is not a duplication of existing facilities and does not interfere with the adequate and safe delivery of electricity to others contingent upon a transmission and distribution utility's raising these issues as an objection to the construction of a private line.
4. It establishes that a transmission and distribution utility may not refuse to energize a line if the line meets the utility's standards, provided the standards are the same as the standards the utility applies to its own lines, and the person owning the line reimburses the utility for connecting the line to the utility's system.

This law was enacted as an emergency measure effective May 9, 2001.

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### **PUBLIC 124     An Act to Remove Barriers to Providing Natural Gas Services**

**LD 662**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA BERRY D	OTP-AM	S-64

Public Law 2001, chapter 124 provides that a gas utility that has received Public Utilities Commission approval to serve somewhere in the State is not required to seek further approval from the commission to serve elsewhere in the State except in towns in which another gas utility is actually providing similar service. The commission may by order limit a gas utility to a certain area of the State.

### **PUBLIC 135     An Act to Provide for the Security of Certain Utility EMERGENCY Information**

**LD 931**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	OTP-AM	H-130

Public Law 2001, chapter 135:

1. Authorizes the Public Utilities Commission to issue an order designating certain information confidential if the release of the information could compromise the security of a utility to the detriment of the public interest;
2. Allows access to the information by discovery in the context of commission proceedings but allows the commission to limit discovery if necessary to protect the public interest;
3. Allows the commission to release or direct the release of the information to other state agencies for public health and safety purposes but requires notice first to the affected utility; and
4. Allows agencies receiving the information to release the information to others but requires notice, through the commission, to the utility, except in emergency situations.

This law was enacted as an emergency measure effective May 14, 2001.

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**PUBLIC 136    An Act to Ensure Proper Funding of the Public Utilities    LD 1297**  
**EMERGENCY   Commission**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	OTP-AM	H-121

Public Law 2001, chapter 136 authorizes the Public Utilities Commission to release funds designated for salaries and use them for other commission expenses and to make all funds that were budgeted but unused in fiscal year 2000-01 available for use in the subsequent 2 fiscal years. The law also increases the public utilities assessment for fiscal years 2001-02 and 2002-03.

This law was enacted as an emergency measure effective May 14, 2001.

**PUBLIC 137    An Act to Allow Flexibility in Regulation of Telephone    LD 1121**  
**Utilities**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	OTP-AM	H-165

Public Law 2001, chapter 137 accomplishes the following:

1. It leaves in place provisions of law that authorize the Public Utilities Commission to grant exemptions to telephone utilities from the Maine Revised Statutes, Title 35-A, sections 307 and 310 and chapters 9 and 11 but modifies the provisions to make clear that the commission, before granting exemptions, must find that granting the exemptions will not have a negative impact on competition;
2. It provides additional authority to the Public Utilities Commission to grant exemptions from Title 35-A, sections 304 and 504, provided similar findings are made; and
3. It requires the commission to report annually to the Joint Standing Committee on Utilities and Energy on its activities in granting exemptions to telephone utilities from provisions of law; and



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### **PUBLIC 201     An Act Concerning Private Line Extensions**

**LD 910**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	OTP-AM     MAJ	S-115
TRAHAN	ONTP        MIN	

Public Law 2001, chapter 201 directs the Public Utilities Commission to adopt rules governing line extensions. The rules must establish standards for construction of private line extensions, terms and conditions for the transference of private lines to transmission and distribution utilities and requirements for apportioning among users the costs of single-phase overhead line extensions. The commission is also directed to examine issues related to establishing minimum qualifications for persons who construct private line extensions.

### **PUBLIC 276     An Act Concerning Telemarketing**

**LD 585**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM     MAJ	S-123   MILLS
COLWELL	ONTP        MIN	S-173   MILLS
		S-91

Public Law 2001, chapter 276 exempts lenders and their affiliated telemarketing firms from the consumer solicitation sales law to the extent that they are selling credit services and that transaction requires an acceptance initiated by the consumer.

### **PUBLIC 319     An Act to Revise the Sewer Lien Laws**

**LD 483**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR	OTP-AM     MAJ	H-460
BENNETT	OTP-AM     MIN	

Public Law 2001, chapter 319 revises the law concerning sanitary district liens. It requires a district to notify the owner of real estate subject to a lien prior to foreclosure in the same manner as a municipality must provide such notice prior to foreclosure of a tax lien.

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### **PUBLIC 377      An Act to Ensure Telecommunications Protections for Deaf and Hard-of-hearing People**

**LD 1162**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT SAVAGE W	OTP-AM	S-227

Public Law 2001, chapter 377 establishes an equal access program to ensure that telecommunications services are available to deaf, hard-of-hearing and speech-impaired consumers at a cost that is reasonably comparable to the cost of such services to other telephone customers. The equal access program is established in the Division of Deafness within the Department of Labor. The program provides a 70% rebate of the cost of those calls made using wireless or cellular services that are presently provided a 70% discount when made over landline services. The program is funded by an assessment on wireless and cellular service providers.

The program is repealed October 31, 2005.

The law also adds equipment necessary to use short message services or text message services to the definition of "specialized customer telecommunications equipment" for the purposes of the telecommunications equipment fund. This will allow that fund to be used to purchase such equipment for deaf, hard-of-hearing or speech-impaired persons.

The law also adds a representative of a wireless or cellular service provider to the membership of the Telecommunications Relay Service Advisory Council.

### **P & S 2      An Act to Amend the Charter of the South Berwick EMERGENCY      Sewer District**

**LD 24**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURPHY E LEMONT	OTP-AM	H-9

Private and Special Law 2001, chapter 2 amends the territorial limits of the South Berwick Sewer District.

This law was enacted as an emergency measure effective April 6, 2001.

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### **P & S 5                      An Act to Revise the Hampden Water District Charter                      LD 122**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY	OTP-AM	H-8

Private and Special Law 2001, chapter 5 amends the terms of the trustees of the Hampden Water District and provides that compensation for the trustees and the treasurer of the board of trustees will be determined by the board of trustees.

### **P & S 6                      An Act to Amend the Charter of the Lewiston-Auburn                      LD 435 Water Pollution Control Authority**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAILHOT DOUGLASS	OTP-AM	H-22

Private and Special Law 2001, chapter 6 amends the Charter of the Lewiston-Auburn Water Pollution Control Authority to include Lewiston's Assistant City Administrator and Auburn's Assistant City Manager as board members under certain circumstances. It also removes language from the charter relative to the service of the City Administrator of Lewiston or the City Manager of Auburn on the board of the Lewiston-Auburn Water Pollution Control Authority in the event of the termination of their offices.

### **P & S 7                      An Act to Amend the Charter of the Portland                      LD 637 EMERGENCY Water District to Conform to Changes in the Municipal Election Date for the City of Portland**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS	OTP	

Private and Special Law 2001, chapter 7 makes a change in the charter of the Portland Water District with respect to the date on which trustees are elected from the City of Portland in order to conform to the change in date of the City of Portland's municipal elections.

This law was enacted as an emergency measure effective April 10, 2001.

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**P & S 11                      An Act to Amend the Charter of the Gray Water                      LD 620**  
**District**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOSTER	OTP-AM	H-86
KILKELLY		

Private and Special Law 2001, chapter 11 clarifies the election procedures of the Gray Water District and makes clear that the terms of the current trustees of the Gray Water District are not affected.

**P & S 13                      An Act to Amend the Charter of the Corinna                      LD 904**  
**EMERGENCY Water District**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOBIN J	OTP-AM	H-99
DAVIS P		

Private and Special Law 2001, chapter 13 modernizes the charter of the Corinna Water District using the Standard Water District Enabling Act. The amendment preserves certain provisions of the existing charter:

1. The authority of the district to take water from any source in the Town of Corinna;
2. The district's authorization to incur debt up to \$1,000,000, though the district is also granted the authority of a standard water district to increase this debt limit through the use of a referendum process; and
3. Exemption from review by the Public Utilities Commission of the district's management and allocation of funds received from the Department of Environmental Protection, except on request by the department.

This law was enacted as an emergency measure effective May 8, 2001.

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**P & S 15                      An Act to Create the Boothbay Region Water District                      LD 1442**  
**EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	OTP-AM      MAJ ONTP          MIN	S-66

Private and Special Law 2001, chapter 15 creates the Boothbay Region Water District, subject to referendum approval, and requires the Town of Boothbay Harbor and the East Boothbay Water District to sell their water-related assets to the Boothbay Region Water District for the consideration of the district assuming the liabilities and responsibilities associated with the existing water systems.

This law was enacted as an emergency measure effective May 9, 2001.

**P & S 16                      An Act to Authorize the Town of Bar Harbor to                      LD 503**  
**EMERGENCY      Acquire the Bar Harbor Water Company**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT KOFFMAN	OTP-AM      MAJ ONTP          MIN	S-45

Private and Special Law 2001, chapter 16 grants authority to the Town of Bar Harbor to acquire by purchase or eminent domain the Bar Harbor Water Company.

This law was enacted as an emergency measure effective May 9, 2001.

**P & S 19                      An Act to Revise the Charter of the Ogunquit                      LD 884**  
**Sewer District**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMONT	OTP-AM	S-77

Private and Special Law 2001, chapter 19 amends the charter of the Ogunquit Sewer District. The law also changes the lien procedures governing liens for unpaid assessments, supplemental assessments or rates to provide for 2 notices to the landowners prior to foreclosure on liens.

The law also provides that the district must hold its own election to fill trustee positions if the Town of Ogunquit does not hold an annual election, clarifies the terms of office of the

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trustees, provides that district officers are elected at the annual district meeting and increases the district's debt limit from \$30,000 to \$100,000.

**P & S 20            An Act to Increase the Borrowing Capacity of the  
EMERGENCY    Topsham Sewer District**

**LD 1322**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LESSARD SMALL	OTP-AM	H-228

Private and Special Law 2001, chapter 20:

1. Increases the borrowing capacity of the Topsham Sewer District from \$1,000,000 to \$2,000,000;
2. Removes obsolete language from the Topsham Sewer District charter;
3. Removes language from the Topsham Sewer District charter relating to approval in a municipal town meeting of the issuance of debt by the district in excess of the debt limit;
4. Inserts a new provision in the charter allowing the district through a local referendum process to increase its debt limit; and
5. Makes the law subject to local referendum approval.

This law was enacted as an emergency measure effective May 15, 2001.

**P & S 21            An Act to Amend the Charter of the Vinalhaven Water  
EMERGENCY    District**

**LD 1735**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLENIK	OTP-AM	H-269

Private and Special Law 2001, chapter 21 amends the charter of the Vinalhaven Water District.

This law was enacted as an emergency measure effective May 16, 2001.

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**P & S 25**                      **An Act to Amend the Charter of the Portland**                      **LD 1661**  
**EMERGENCY**   **Water District to Permit the Extension of Water**  
   **and Wastewater Service to the Town of Raymond**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRUNO	OTP-AM	H-166
TURNER		

Private and Special Law 2001, chapter 25 amends the charter of the Portland Water District to add the Town of Raymond as a member of the district.

This law was enacted as an emergency measure effective May 9, 2001.

**P & S 26**                      **An Act to Amend the Charter of the Buckfield Village**                      **LD 1798**  
**EMERGENCY**   **Corporation**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNE	OTP-AM	H-535
FERGUSON		

Private and Special Law 2001, chapter 26 allows the voters of the Buckfield Village Corporation to determine that the assessors of the corporation appoint some or all of the other officers. It also allows a person to be appointed to an office who is not a resident of the corporation.

This law was enacted as an emergency measure effective May 31, 2001.

**P & S 32**                      **An Act to Clarify the Laws Regarding the Extension**                      **LD 1828**  
**EMERGENCY**   **of Water and Wastewater Service to the Town of**  
   **Raymond**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRUNO		S-343 FERGUSON

Private and Special Law 2001, chapter 32, which was enacted without reference to committee, corrects an inconsistency between the State's election laws that require a certain notice period before holding a special town meeting and the recently adopted amendment to the charter of the Portland Water District that adds the Town of Raymond to the district and requires the town to hold a special town meeting to participate in the election of a trustee. Because the amendment to the charter was signed into law on May 25, 2001 on an

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emergency basis as Private and Special Law 2001, chapter 25 and the date of election of one of the district's trustees is scheduled for June 11, 2001, the Town of Raymond can not comply with the law without violating the time frames of the State's election laws. This bill corrects the inconsistency by not requiring the Town of Raymond to participate in the June 2001 trustee election.

The law also clarifies that the Town of Raymond is not required to hold a vote under the Maine Revised Statutes, Title 22, section 2653, the authorization of fluoridation, to receive water from the Portland Water District.

Because the original bill would not take effect until after the Portland Water District trustee election in June, 2001, the law applies on a retroactive basis.

This law was enacted as an emergency measure effective June 14, 2001.

**P & S 34            An Act to Amend the Charter of the Limestone Water            LD 1820**  
**EMERGENCY   and Sewer District**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
YOUNG	OTP-AM	H-712

Private and Special Law 2001, chapter 34 amends the Charter of the Limestone Water and Sewer District by updating the procedures for filing a lien for nonpayment of sewer charges. It requires the treasurer of the district to provide a 2nd notice to parties named on the lien certificate and to each record holder no fewer than 30 days and no more than 45 days prior to the foreclosure of the mortgage created by the lien.

This law was enacted as an emergency measure effective June 20, 2001.



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LD 1782.....	142	LD 1813.....	234	HP 1387.....	15
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